

ASSEMBLY BILL

No. 892

Introduced by Assembly Member Evans
(Principal coauthor: Senator Wiggins)
(Coauthors: Assembly Members Aghazarian and Berryhill)

February 22, 2007

An act to add Section 25244 of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 892, as introduced, Evans. Alcoholic beverages: California wine.

Under existing law, the Department of Alcoholic Beverage Control regulates the licensing, enforcement, and administration of the alcoholic beverage control laws. Existing law prohibits the sale of wine produced, bottled, or labeled in this state that identifies specific names of viticultural origin or appellation of origin unless the wine qualifies for that use under provided conditions.

This bill would provide that a wine, as described, is entitled to the appellation of origin "California," or a geographical subdivision thereof, if the wine meets specified criteria, including the requirement that 100% of the wine's volume is derived from fermented juice of fruit grown in California, subject to specified conditions, and the wine has been fully produced and finished within the state. This bill also authorizes the Department of Alcoholic Beverage Control to suspend or revoke the license of any person who produces or bottles wine in violation of the above provisions, as provided.

The Alcoholic Beverage Control Act provides that a violation of its provisions is a misdemeanor, unless otherwise specified. This bill, by creating a new crime, imposes a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 25244 is added to the Business and
2 Professions Code, to read:
3 25244. (a) A wine shall be entitled to the appellation of origin
4 “California,” or a geographical subdivision thereof, if the wine
5 meets all of the following criteria:
6 (1) (A) One hundred percent of its volume is derived from
7 fermented juice of fruit grown within California.
8 (B) Wine spirits produced in California from residues of wines
9 that contain grapes grown outside of California may be used in
10 the production of wines bearing the appellation of origin
11 “California,” or a geographic subdivision thereof, subject to all of
12 the following conditions:
13 (i) The wine shall not derive more than one percent of its volume
14 from fruit grown outside of California.
15 (ii) The one percent derived from non-California sources consists
16 solely of residue wine spirits.
17 (iii) Grapes, juice, concentrate, wine, or other distilling material
18 shall not be imported into California for distilling of wine spirits
19 authorized for use under this section.
20 (2) The wine has been fully produced and finished within the
21 state.
22 (b) For purposes of this section, “wine” shall have the same
23 meaning as defined in Section 23307 but shall not include vermouth
24 and sake.
25 (c) A wine shall not be entitled to an appellation of origin in
26 violation of Section 25236 or 25237.
27 (d) (1) The department may suspend or revoke the license of
28 any person who produces or bottles wine in violation of this
29 section.

1 (2) The department shall issue a notice of violation to the person
2 in possession of the wine and provide for a hearing to be held
3 within 15 days of the issuance of the notice.

4 (3) Following notice of violation to the person in possession of
5 the wine, if requested by any interested party within five days
6 following the issuance of the notice, the department may seize
7 wine labeled or packaged in violation of this section regardless of
8 where found, and may dispose of the wine upon order of the
9 department. From the time of notice until the departmental
10 determination, the wine shall not be sold or transferred.

11 SEC. 2. No reimbursement is required by this act pursuant to
12 Section 6 of Article XIII B of the California Constitution because
13 the only costs that may be incurred by a local agency or school
14 district will be incurred because this act creates a new crime or
15 infraction, eliminates a crime or infraction, or changes the penalty
16 for a crime or infraction, within the meaning of Section 17556 of
17 the Government Code, or changes the definition of a crime within
18 the meaning of Section 6 of Article XIII B of the California
19 Constitution.