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AB-2303 Agave spirits: labeling. (2021-2022)

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Date Published: 09/29/2022 02:00 PM

Assembly Bill No. 2303

CHAPTER 694

An act to add Section 25179 to the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor September 28, 2022. Filed with Secretary of State September 28, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2303, Aguiar-Curry. Agave spirits: labeling.

Existing law, the Alcoholic Beverage Control Act, which is administered by the Department of Alcoholic Beverage Control, regulates the application, issuance, and suspension of alcoholic beverage licenses. The act prescribes various requirements and prohibitions with regard to labeling alcoholic beverages and, with regard to wine, prescribes labeling requirements relating to the area of origin of the grapes used to produce the wine. Existing law generally provides that a violation of the Alcoholic Beverage Control Act for which another punishment is not otherwise provided is a misdemeanor.

This bill would prescribe labeling requirements for agave spirits produced entirely in California. By broadening the definition of a crime, this bill would impose 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 Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 25179 is added to the Business and Professions Code, to read:

25179. (a) Only agave spirits produced entirely from agaves grown within California, without flavoring or coloring additives, may be labeled with the words "California agave spirits" or any combination of the words "California agave spirits," "California agave," or a substantially similar description. This section does not preclude the use of the word "California" to describe the location of a distillery.

(b) The department may seize agave spirits labeled in violation of this section, regardless of where they are found, and may dispose of the spirits pursuant to Section 25355.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district are the result of a program for which legislative authority was

requested by that local agency or school district, within the meaning of Section 17556 of the Government Code and Section 6 of Article XIII B of the California Constitution.