

AMENDED IN ASSEMBLY APRIL 8, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1878**

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**Introduced by Assembly Member Ma**

February 4, 2008

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An act to amend Section 23104.6 of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 1878, as amended, Ma. Sales of wine.

The Alcoholic Beverage Control Act, administered by the Department of Alcoholic Beverage Control, regulates the sale and distribution of alcoholic beverages and the granting of licenses for the manufacture, distribution, and sale of alcoholic beverages within the state. Existing law provides that a nonlicensed person owning bottled vintage wine, as defined, purchased by that person at retail is authorized to sell that wine to a licensee authorized to sell that wine if each bottle has a permanently affixed label stating that the wine was acquired from a private collection.

This bill would expand that provision to allow a nonlicensed person owning bottled wine, purchased at retail, to sell that wine to ~~a licensee~~ *specified licensees* authorized to sell that wine. *This bill would also require the purchasing licensees to maintain specified records of these transactions.*

*The Alcoholic Beverage Control Act provides that a violation of specified provisions of the act is a misdemeanor. This bill, by including provisions that would be subject to those existing criminal sanctions, 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.  
State-mandated local program: ~~no~~-yes.

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

1 SECTION 1. Section 23104.6 of the Business and Professions  
2 Code is amended to read:  
3 23104.6. (a) (1) Any nonlicensed person owning bottled wine  
4 purchased by that person at retail is authorized to sell that wine to  
5 a licensee licensed wholesaler authorized to sell that wine.  
6 (2) Any nonlicensed person owning bottled collector wine  
7 purchased at retail is authorized to sell that wine to a retail  
8 licensee authorized to sell that wine. For purposes of this section,  
9 "bottled collector wine" means wine that is sold by the nonlicensed  
10 person to a retail licensee at a price of no less than twenty dollars  
11 (\$20) per 750ml.  
12 (b) A licensed wholesaler or a licensed retailer that purchases  
13 wine pursuant to this section shall maintain records showing the  
14 date of the transaction, the name and address of the nonlicensed  
15 person who sold the wine, the amount and type of wine purchased  
16 by the licensee, and the price paid for the wine. The records shall  
17 be kept at the licensed premises for a period of three years after  
18 the purchase of wine.  
19 SEC. 2. No reimbursement is required by this act pursuant to  
20 Section 6 of Article XIII B of the California Constitution because  
21 the only costs that may be incurred by a local agency or school  
22 district will be incurred because this act creates a new crime or  
23 infraction, eliminates a crime or infraction, or changes the penalty  
24 for a crime or infraction, within the meaning of Section 17556 of  
25 the Government Code, or changes the definition of a crime within  
26 the meaning of Section 6 of Article XIII B of the California  
27 Constitution.

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