

ASSEMBLY BILL

No. 1441

Introduced by Assembly Member Gray

February 27, 2015

An act to amend Section 25664 of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 1441, as introduced, Gray. Alcoholic beverages: minors: purchase.

(1) The Alcoholic Beverage Control Act regulates the application, issuance, and suspension of alcoholic beverage licenses by the Department of Alcoholic Beverage Control. The act prohibits an advertisement of alcoholic beverages from using subject matter or language addressed to minors and intended to encourage them to drink alcoholic beverages. The act provides that a person convicted of a violation of its provisions is guilty of a misdemeanor unless another penalty or punishment is specifically provided.

This bill would prohibit an advertisement of alcoholic beverages from using subject matter or language addressed to minors and intended to encourage them to purchase alcoholic beverages. By expanding the scope of a crime, this bill would impose a state-mandated local program.

(2) 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 25664 of the Business and Professions
2 Code is amended to read:

3 25664. (a) (1) The use, in any advertisement of alcoholic
4 beverages, of any subject matter, language, or slogan addressed
5 to and intended to encourage minors to *purchase or* drink the
6 alcoholic beverages, is prohibited.

7 (2) Signage or flyers advertising an establishment that serves
8 alcoholic beverages to individuals under the age of 21 years are
9 prohibited under paragraph (1) if one of the establishment's
10 principal business activities is the selling of alcoholic beverages,
11 and the advertisement expressly states that the jurisdiction in which
12 the establishment is located has a legal drinking age of under 21
13 years or that individuals under the age of 21 years may patronize
14 the establishment.

15 (3) Nothing in this section shall be deemed to restrict or prohibit
16 any advertisement of alcoholic beverages to those persons of legal
17 drinking age.

18 (b) The department may adopt rules as it determines to be
19 necessary for the administration of this section.

20 SEC. 2. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 the only costs that may be incurred by a local agency or school
23 district will be incurred because this act creates a new crime or
24 infraction, eliminates a crime or infraction, or changes the penalty
25 for a crime or infraction, within the meaning of Section 17556 of
26 the Government Code, or changes the definition of a crime within
27 the meaning of Section 6 of Article XIII B of the California
28 Constitution.