



CITY COUNCIL

Darryl Moore
Councilmember District 2

CONSENT CALENDAR
March 7, 2006

To: Honorable Mayor and Members of the City Council

From: Councilmember Darryl Moore
Councilmember Kriss Worthington

Subject: Support SB 1180, Regulating Advertisements Targeting Minors

RECOMMENDATION:

That the Berkeley City Council support Senate Bill 1180, introduced by Senator Migden, that would prevent any person, firm, corporation, partnership, or any other organization to issue ads that targets minors to consume alcoholic beverages.

BACKGROUND:

The Alcoholic Beverage Control Act contains various provisions regulating the application for, the issuance of, the suspension of, and the conditions imposed upon, alcoholic beverage licenses by the Department of Alcoholic Beverage Control. That act also prohibits, subject to a criminal penalty, the use of alcoholic beverages in any advertisement that encourages minors to drink the alcoholic beverages.

This bill would instead prohibit any person, firm, corporation, partnership, or other organization from advertising or marketing alcoholic beverages in a manner that targets minors and encourages the illegal consumption or purchase of alcoholic beverages by minors.

By changing the definition of a crime, this bill 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.

For more information, visit the Senate's website at:
http://info.sen.ca.gov/pub/bill/sen/sb_1151-1200/sb_1180_bill_20060117_introduced.html

FINANCIAL IMPLICATIONS:

None

CONTACT PERSON:

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Councilmember Kriss Worthington, District Seven (510) 981-7170

**Introduced by Senator Migden
(Principal coauthor: Senator Figueroa)**

January 17, 2006

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

LEGISLATIVE COUNSEL'S DIGEST

SB 1180, as introduced, Migden. Alcoholic beverages.

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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 drink the alcoholic~~
6 ~~beverages, is prohibited.~~ *No person, firm, corporation,*
7 *partnership, or other organization shall advertise or market an*
8 *alcoholic beverage in a manner that targets minors and*
9 *encourages the illegal consumption or purchase of alcoholic*
10 *beverages by minors.*

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

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

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

24 SEC. 2. No reimbursement is required by this act pursuant to
25 Section 6 of Article XIII B of the California Constitution because
26 the only costs that may be incurred by a local agency or school
27 district will be incurred because this act creates a new crime or
28 infraction, eliminates a crime or infraction, or changes the
29 penalty for a crime or infraction, within the meaning of Section
30 17556 of the Government Code, or changes the definition of a
31 crime within the meaning of Section 6 of Article XIII B of the
32 California Constitution.