

**ASSEMBLY BILL**

**No. 1060**

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**Introduced by Assembly Member De La Torre**

February 27, 2009

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An act to add Section 23394.7 to the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 1060, as introduced, De La Torre. Alcoholic beverage licenses: self-service checkouts.

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.

This bill would prohibit off-sale licensees from selling alcoholic beverages using a self-service checkout system. This bill makes findings and declarations regarding the effects of allowing alcoholic beverages to be sold using self-service checkouts.

The Alcoholic Beverage Control Act provides that a violation of any of its provisions for which another penalty or punishment is not specifically provided is a misdemeanor. This bill would expand existing crimes by imposing additional duties on a licensee under the act, thus, the 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.  
State-mandated local program: yes.

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

1 SECTION 1. The Legislature finds and declares that allowing  
2 customers to purchase alcoholic beverages through self-service  
3 checkouts:

- 4 (a) Facilitates the purchase of alcoholic beverages by minors.
- 5 (b) Permits customers who are in an advanced state of  
6 intoxication to purchase additional alcoholic beverages, in violation  
7 of state law.
- 8 (c) Allows for greater theft of alcoholic beverages, thereby  
9 depriving the state of tax revenues.

10 SEC. 2. Section 23394.7 is added to the Business and  
11 Professions Code, to read:

12 23394.7. (a) No privileges under an off-sale license shall be  
13 exercised by the licensee at any checkstand, where the customer  
14 is able to scan and purchase alcoholic beverages using a  
15 point-of-sale system with limited or no assistance from an  
16 employee of the licensee.

17 (b) For purposes of this section, “point-of-sale” system means  
18 any computer or electronic system used by a retail establishment  
19 such as, but not limited to, Universal Product Code scanners, price  
20 lookup codes, or an electronic price lookup system as a means for  
21 determining the price of the item being purchased by a consumer.

22 SEC. 3. No reimbursement is required by this act pursuant to  
23 Section 6 of Article XIII B of the California Constitution because  
24 the only costs that may be incurred by a local agency or school  
25 district will be incurred because this act creates a new crime or  
26 infraction, eliminates a crime or infraction, or changes the penalty  
27 for a crime or infraction, within the meaning of Section 17556 of  
28 the Government Code, or changes the definition of a crime within  
29 the meaning of Section 6 of Article XIII B of the California  
30 Constitution.