

RESOLUTION NO. 2016-
RESOLUTION OF THE MARIN COUNTY BOARD OF SUPERVISORS
URGING THE CALIFORNIA LEGISLATURE AND GOVERNOR TO OPPOSE
ASSEMBLY BILL 1322 THAT WILL ALLOW ALL CALIFORNIA BARBERSHOPS
AND BEAUTY PARLORS TO SERVE FREE BEER AND WINE TO
CUSTOMERS WITHOUT LICENSES, PERMITS, MONITORING,
RESPONSIBLE BEVERAGE SERVICE TRAINING, OR ENFORCEMENT OF
CURRENT REGULATIONS.

WHEREAS, AB 1322, if passed, will allow beauty salons and barber shops to serve their clients limited quantities of beer or wine at no extra charge during normal business hours without obtaining a license or permit from the Department of Alcoholic Beverage Control (ABC); and

WHEREAS, in October of 1985, the Attorney General issued opinion No. 85-701 which held that the operator of a commercial enterprise who offers and provides complimentary alcoholic beverages to guests, customers, or passengers while charging for the services rendered is deemed to have “sold” the alcoholic beverage, thereby necessitating an alcoholic beverage license; and

WHEREAS, it is unlawful for any corporation, club, or organization to sell, give, serve, dispense, keep, or allow to be consumed on its premises any alcoholic beverage unless licensed or permitted by law; and

WHEREAS, this prohibition includes the serving of free alcohol with the purchase of another good or service; and

WHEREAS, it is also unlawful for any person to keep or consume an alcoholic beverage on any premises open to the public other than as specifically permitted by law; and

WHEREAS, this bill will allow alcohol to be served without ANY requirements for proper training of the barbers and beauticians on how to monitor or responsibly serve; and

WHEREAS, this bill will alcohol to be poured and consumed in venues which invariably will include minors; and

WHEREAS, as currently drafted, it is unclear how alcohol limitations related to underage drinking and excess use would be enforced; and

WHEREAS, this bill will allow alcohol to be served without any regard to the density of alcohol licensed outlets or consideration of proximity to schools, churches or other vulnerable institutions; and

WHEREAS, this bill will create potential liability for drunk driving and aggressive crimes by businesses that serve beer and wine without a license, without training, and without the insurance that would normally be required of a California Department of Alcoholic Beverage Control (ABC) licensed facility; and

WHEREAS, each year, the estimated economic cost of alcohol-related harm experienced in Marin County is \$214.7 million, including \$92.2 million in direct costs to government; and

WHEREAS, California now suffers more than \$22 billion dollars in alcohol-related harm annually with 10,000 alcohol-related deaths; and

WHEREAS, Alcohol Justice has estimated that if AB 1322 becomes law the number of venues allowed to serve alcohol in the state will increase by 41%; and

WHEREAS, additional alcohol-related harm is inevitable with increased availability; and

WHEREAS, stopping AB 1322 from becoming law will have no fiscal cost to the State or County of Marin, except in enormous cost savings from reduced death, injury and alcohol-related disease.

NOW, THEREFORE, BE IT RESOLVED, that the Marin County Board of Supervisors strongly urge the Senate, Assembly, and Governor of the state of California to oppose, not pass, and not sign into law AB 1322 to allow California barbershops and beauty parlors to serve free beer and wine to customers without licenses, permits, monitoring, responsible beverage service training, or enforcement of current regulations.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held on this _____ day of August 2016 by the following vote:

AYES: SUPERVISORS

NOES:

ABSENT:

PRESIDENT, BOARD OF SUPERVISORS

ATTEST:

DEPUTY CLERK