



March 1, 2021

Assembly Member Evan Low
Chair, Assembly Business and Professions Committee
Legislative Office Building, Room 379
Sacramento, California 95814

RE: AB 273 (Irwin): Cannabis: Highway Advertisements -- SUPPORT

Dear Chairman Low,

Alcohol Justice supports AB 273 because it will protect children from further exposure to cannabis advertising on the road. This is in line with the original intent of Proposition 64 by prohibiting cannabis licenses from advertising on billboards visible from interstate or state highways.

The proponents of Prop. 64 explicitly cited child protections as one of the primary reasons voters should approve the initiative, writing in their official ballot arguments in favor of the measure:

“64 includes toughest-in-the-nation protections for children, requiring purchasers to be 21, banning advertising directed to children, and requiring clear labeling and independent product testing to ensure safety. 64 prohibits marijuana businesses next to schools.” (California 2016 Voter Guide, Page 208)

Section 26151(b) of Prop. 64 provides that:

“Any advertising or marketing placed in broadcast, cable, radio, print and digital communications shall only be displayed where at least 71.6 percent of the audience is reasonably expected to be 21 years of age or older, as determined by reliable, up-to-date audience composition data.”

However, in January 2019, the Bureau of Cannabis Control (BCC) enacted a regulation to allow cannabis advertisements along interstates and state highways so long as the billboards are located beyond 15 miles from the California border. This prompted a response from a San Luis Obispo father, who was concerned about regularly driving his children past a visible cannabis billboard on Highway 101. He took legal action to challenge the BCC’s interpretation of Prop 64 and other state law and succeeded with the court invalidating the BCC regulations, reasoning they were too permissive in authorizing advertising not allowed under Prop 64.

Outdoor billboards that are visible along a highway are likely to market cannabis to children, even unintentionally, since it is challenging if not impossible to calculate that at least 71.6 percent of the passengers on a highway are over the age of 21. In other words, there is no reliable, up-to-date audience composition data that can ensure that the proportion of minors viewing any advertisement from a state highway is less than the amount provided by the initiative.

With BCC regulations restricting some aspects of cannabis advertising on interstate and state highways invalidated, and general audience restrictions too difficult to enforce on state highways, a gap in cannabis advertising restrictions to children must be closed. AB 273 codifies the recent court decision and clarifies existing law for state enforcement, which will help ensure that children are exposed to fewer cannabis advertisements as was the intention of Prop. 64. For these reasons, Alcohol Justice supports AB 273 and requests your AYE vote when it is heard in your committee.

We would be remiss if we did not also mention that we believe there is an even greater need to prohibit similar advertising of alcoholic products which are much more dangerous and more available to youth than cannabis. We would be willing to work with you or any other legislator who would be interested in developing statute language to restrict alcohol advertising in California.

Kind regards,



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