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This material was made possible by funds received from Grant #14-10214, California Department of Public Health, California Tobacco Control Program.

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1. A recent study found that tobacco advertising is widespread at retail outlets particularly those in low-income and racial/ethnic minority neighborhoods. See Hillier A, et al. "Concentration of Tobacco Advertisements at SNAP and WIC Stores, Philadelphia, Pennsylvania, 2012." *Preventing Chronic Disease*, 12(15): 2015. Available at: www.cdc.gov/pcd/issues/2015/14_0133.htm.

2. Cal. Bus. & Prof. Code § 25612.5(c)(7).

3. Cal. Bus. & Prof. Code § 25612.5(b).

Q: Can communities legally limit the amount of storefront signage?

A: Yes, as long as the law (1) does not impose restrictions based on the content of the signs and (2) furthers an important government interest, such as improving the safety and aesthetics of a community.

The First Amendment to the U.S. Constitution protects most forms of speech, including commercial speech or advertising. A law imposing limits on signage that refers to its content or message is more likely to be challenged on First Amendment grounds than a policy that regulates the quantity of signs, the placement of signs, their dimensions, or their construction. Therefore, window signage restrictions should not address or attempt to limit specific types of speech, such as tobacco or alcohol advertisements. Even though such restrictions could inevitably decrease the prevalence of tobacco, alcohol, and other "unhealthy" signage on storefront windows,¹ communities should avoid public health rationales.

When justifying window signage restrictions, communities should instead focus on traditional police power rationales such as improving public safety and preserving neighborhood aesthetics. Partnerships with local planning departments, neighborhood watch groups, environmental organizations, and community preservation coalitions are instrumental in achieving these objectives.

For more information, see ChangeLab Solutions' *Model Storefront Signage Ordinance*, which provides model policy language, and contains introductory materials that further discuss these important legal issues.

Q: What is California's Lee Law and how does it affect signage?

A: The Lee Law (California Business and Professions Code section 25612.5(c) (7)) establishes public health and safety standards for all alcohol retail stores in California. The law requires alcohol retailers to remove any litter or graffiti on the premises, adequately illuminate the exterior, and display No Loitering and No Open Alcoholic Beverages signs.

Additionally, the Lee Law contains a window signage provision that prohibits alcohol retail stores from covering more than one-third (33 percent) of the square footage of windows and clear doors with signs of any sort.² The placement of signs and advertisements must also allow law enforcement a clear and unobstructed view of the interior of the premises.

Notably, the Lee Law expressly allows communities to adopt more stringent window signage restrictions.³ Many local jurisdictions, including Los Angeles, Santa Barbara, San Jose, and Santa Clara County, have adopted signage laws that expand the restriction to all retailers and reduce the allowable square footage to 10-25 percent of window space.

To learn more, visit: www.changelabsolutions.org/tobacco-control.

