

Calif. legislation aims to ban grocery self-checkout of alcohol purchases

By Torey Van Oot McClatchy Newspapers

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SACRAMENTO, Calif. — Shoppers with beer, wine or liquor in their carts could be banned from using electronic self-checkout lanes that have become commonplace at many grocery stores under legislation working its way through the California Legislature.

Assembly Bill 183 has sparked a legislative battle far fiercer than the price wars waged between competing grocery store chains. Supporters of the measure, which has failed twice before to become law in recent years, say banning alcohol purchases at self-checkout lanes would create another line of defense in the ongoing fight to curb underage drinking.

"If you're going to buy alcohol, then it's better safe than sorry to go purchase it through a clerk who can check your ID, who can smell someone's breath," said Assemblywoman Fiona Ma, D-San Francisco, the bill's author.

But critics of the proposal, which has passed the Assembly and now is under consideration in the Senate, say limiting minors' access to alcohol isn't the true motive of the bill.

Instead, they point to an ongoing battle between United Food and Commercial Workers and Fresh & Easy, a nonunion chain that uses only staff-supervised self-checkout lanes.

The proposed ban would force stores like Fresh & Easy to change its business model to hire more clerks or give up its money-making alcohol sales.

"The underlying motive, whether they deny it or not, is UFCW organization," said California Grocers Association President Ron

Fong, whose organization opposes the bill. "They're trying to get rid of the automation and put in more clerks so they can organize (at Fresh & Easy)."

United Food and Commercial Workers, which represents roughly 250,000 grocery clerks statewide, has lobbied extensively for the bill, testifying at committee hearings and spending \$12,000 in the first three months of the year to fight for the measure's passage.

The union, which honored its former political director, Assembly Speaker John A. Perez, with an award earlier this month, has also contributed to Ma and in March wrote a \$100,000 check to the state Democratic Party.

The union says while it's no fan of Fresh & Easy, which entered U.S. markets in 2007, its interest in the bill is promoting the best policies for stores and public safety.

UFCW lobbyist Barry Broad said it makes sense to hold booze to the same standards as cigarettes, spray paints and certain cold medicines that already must be bought directly from clerks, who he called "the first line of defense" when it comes to policing alcohol purchases.

"It seems like a very small imposition on people to go through a regular checkout line if you have alcohol," Broad said. "It's just a very minor inconvenience."

Ma and supporters from public safety groups contend the ban is necessary because technical glitches and lack of supervision at self-checkout lanes make it easier for underage drinkers and customers who are already intoxicated to obtain alcohol.

"The fact is it's so easily evaded it might as well be an alcohol vending machine," said California Police Chiefs Association lobbyist John Lovell, whose group is a co-sponsor of the bill along with Mothers Against Drunk Driving and California Professional Firefighters.

Grocery stores refute those claims, arguing limitations on purchases in the increasingly popular self-checkout lanes are unnecessary and burdensome for businesses and customers. They point out that self check-out machines are routinely programmed to

freeze or send out an alert when alcohol is scanned at one of the stations, prompting a clerk to OK the transaction before the purchase can be made.

"The reality is the technology in place has many safeguards to make it difficult for anyone to purchase alcohol who shouldn't be," said Fresh & Easy spokesman Brendan Wonnacott, who added that the store's policy is to "require a face-to-face interaction on any alcohol purchases."

Bill supporters say those safeguards aren't enough to prevent customers from overriding the technological barriers or sneaking alcohol through the lanes undetected.

"Honestly, if there's 12 checkout stands and there's one person manning all 12 and they're distracted, they're answering questions, they're doing something else, then it's very difficult to police all of them," Ma said.

It's unclear how big of an impact purchases at self-checkout stations has on underage drinking. The state Department of Alcoholic Beverage Control, which does not track enforcement data by purchase type, says the main source of alcohol for youth remains purchases made by customers over 21 years old.

ABC Deputy Director Tim Gorsuch said the department hasn't received an uptick in complaints related to the machines and that its minor decoy program has shown similar violation rates between lanes with live clerks behind the register and the self-checkout stations.

"It could be happening," Gorsuch said of violations related to the technology. "But nobody's been complaining to us about it."