



CALIFORNIA DEPARTMENT OF  
FOOD & AGRICULTURE

Karen Ross, Secretary

June 29, 2015

D2015-04

TO: All DAA CEOs

SUBJECT: Confederate Flag

The CDFA wishes to bring to your attention the passage of AB 2444 (Hall, Chapter 538, Statutes of 2014), effective on January 1, 2015. This legislation added the following language to the Government Code:

**Confederate Flag**

**Gov. Code section 8195.**

*(a) The State of California may not sell or display the Battle Flag of the Confederacy, also referred to as the Stars and Bars, or any similar image, or tangible personal property, inscribed with such an image unless the image appears in a book, digital medium, or state museum that serves an educational or historical purpose.*

*(b) For purposes of this section, "sell" means to transfer title or possession, exchange, or barter, conditional or otherwise, in any manner or by any means whatsoever, for consideration. "Transfer possession" includes only transactions that would be found by the State Board of Equalization, for purposes of the Sales and Use Tax Law, to be in lieu of a transfer of title, exchange, or barter."*

As fair vendors may plan to market confederate flags, the question has been raised as to section 8195's applicability to fairs held on state property and DAAs as state entities.

For a legal determination on this matter, contact your legal counsel at the Attorney General's Office.

Sincerely,

John Quiroz

