



Final Update and Tobacco Vote Record

2010 California Legislative Session

During the 2010 legislative session of the California Legislature, six tobacco-related bills were introduced and one tobacco-related bill was carried over from the 2009 legislative session. Of these, five bills were passed by both the Assembly and the Senate and sent to the Governor's desk. Governor Arnold Schwarzenegger signed three of these bills into law and vetoed the other two bills. Tobacco-related bills signed into law this session will make it harder for tobacco companies to evade MSA payments and cigarette tax payments, add more restrictions to the state tobacco retailer license and make sales of electronic cigarettes to minors illegal. The bills will go into effect on January 1, 2011 unless otherwise noted.

The Center for Tobacco Policy & Organizing analyzes and monitors the progress of tobacco-related bills that are introduced in the California Legislature. Throughout the year, the Center sends out regular updates about this legislation to keep local advocates informed about the tobacco-related activity that is occurring at the State Capitol. In addition, the Center maintains an online Bill Tracker available at www.Center4TobaccoPolicy.org/bills. The Bill Tracker is updated as often as legislative activity occurs and contains summaries of the bills, status updates, vote information, a list of organizations that support or oppose the bill, information about tobacco interests' lobbying efforts and links to media stories.

At the end of each legislative session, the Center produces an annual vote record that summarizes the outcome of each bill and how each member of the legislature voted. This final update contains summaries, legislative histories, and the position on the bills taken by the major voluntary health

organizations (American Lung Association in California (ALAC), American Heart Association (AHA) and American Cancer Society (ACS)) for each of the five bills that received floor votes. This update also briefly reviews the two bills that only received committee votes. Full summaries and status updates on these two bills are available on the Center's [Bill Tracker](#). Following the final update is the 2010 Tobacco Vote Record that contains details about how every Assembly Member and Senator voted on the five tobacco-related bills that received floor votes.

Sources: Copies of the legislation and vote information may be obtained at <http://www.leginfo.ca.gov>.

BILLS THAT WERE SIGNED BY THE GOVERNOR

AB 2496 – Reducing Evasion of MSA Payments and Cigarette Tax Payments (Nava – D, Santa Barbara)

Assembly Bill 2496 makes several changes to state law to make it more difficult for cigarette manufacturers to avoid paying the proper Master Settlement Agreement (MSA) payments and tax payments. Cigarette manufacturers that did not sign the Master Settlement Agreement (MSA), or “nonparticipating manufacturers,” (NPMs) are required to make annual payments into an escrow account to cover any future legal costs incurred in the event that the state brings legal action against these manufacturers. This bill enacts requirements to ensure that these payments are made (especially for new, foreign and elevated risk NPMs) and makes it easier to remove manufacturers that do not make these payments from the tobacco directory, a list maintained by the Attorney General that lists which manufacturers and brands of cigarettes are legal to sell in California. In addition, the bill allows NPMs that go out of business to give the money in its escrow account to the state.

Legislative History: Passed the Assembly (58-16 on June 1 and 54-22 on August 24) and the Senate (23-10 on August 23). The Governor signed AB 2496 into law on September 23.

Tobacco Control Position: ALAC Support; ACS/AHA No Position

AB 2733 – Making Changes to State Tobacco Retailer Licensing Law (Ruskin – D, Redwood City)

Assembly Bill 2733 prohibits tobacco retailers from giving away tobacco products in any manner or displaying for sale tobacco products during a period when the state tobacco retailer license has been suspended or revoked. Under current law, a retailer is prohibited from selling tobacco products during a period of suspension or revocation but there was ambiguity in the law related to the restrictions on giving away products or displaying products during this period. This bill prohibits cigarettes and tobacco products from being placed in a vending machine or retail stock during a period of suspension. Finally, a retailer whose license has been suspended or revoked is required to display a notice at each public entrance to the retail location and at each point of sale.

Legislative History: Passed the Assembly (67-0 on May 24 and 74-0 on August 23) and the Senate (30-1 on August 20). The Governor signed AB 2733 into law on September 30.

Tobacco Control Position: ALAC Support; ACS/AHA No Position

SB 882 – Making Sales of Electronic Cigarettes to Minors Illegal (Corbett – D, San Leandro)

SB 882 makes it unlawful to sell or provide an electronic cigarette (e-cigarette) to anyone under 18 years old. Violations are punishable by a fine of \$200 for the first violation, \$500 for the second violation and \$1,000 for each subsequent violation. The bill does not designate a specific enforcement agency. SB 882 does not preempt cities and counties from enacting more restrictive ordinances related to the sales of e-cigarettes.

Legislative History: Passed the Senate (28-0 on May 28 and 35-0 on August 19) and the Assembly (78-0 on August 12). The Governor signed SB 882 into law on September 25. The bill went into effect immediately because it was an urgency measure.

Tobacco Control Position: No Position

BILLS THAT WERE VETOED BY THE GOVERNOR

SB 4: Restricting Smoking in State Parks and State Beaches (Oropeza – D, Long Beach)

Senate Bill 4 would have restricted smoking at state beaches and state parks. For state beaches, smoking would have been prohibited at all state beaches. However, the smoking restrictions would not have applied to any part of the state beach that is designated as a campsite. For state parks, the authority to prohibit smoking in state parks would have been given to each park district superintendent. The smoking prohibitions would not

have included parking lots at state parks and beaches and violations would have been punishable by a fine of \$100. New signs about the smoking prohibition would only have been posted when existing signs were going to be replaced for other reasons. The smoking prohibitions could only have been enforced after signs were posted to notify the public of the smoking prohibitions and these smoking prohibitions could only have been enforced using the existing resources of the Parks Department.

Legislative History: Passed the Assembly (42-27 on March 22) after failing to pass on first attempt (37-24 March 18) and passed the Senate (21-13 on April 15). The Governor vetoed the bill on May 3. The Governor's explanation is available in the [veto message](#).

Tobacco Control Position: No Position

SB 220 – Requiring Health Insurance Policies to Cover Tobacco Cessation Services (Yee – D, San Francisco)

SB 220 would have required health plans and health insurance policies that were issued after September 23, 2010 to comply with the not yet enacted federal health care reform law that requires group health plans and individual health insurance policies to cover certain preventative health services, such as smoking cessation services. SB 220 would have required health care service plan contracts and individual or group health insurance policies issued after January 1, 2011 to include coverage of many smoking cessation treatments. Two courses of treatment in a one-year period would have been required to be covered and this coverage would have included both counseling and all medications approved by the Food and Drug Administration (FDA). A course of treatment was defined as at least four sessions of at least ten minutes each for counseling (telephone, group or individual) and the duration of the treatment approved by the FDA for medications. Enrollees would not have been required to enter counseling prior to being eligible for cessation medications.

Legislative History: Passed the Assembly (54-24 on August 30) and the Senate (22-13 on August 31). The Governor vetoed the bill on September 30. The Governor's explanation is available in the [veto message](#).

Tobacco Control Position: Support/Co-Sponsor

BILLS THAT ONLY RECEIVED COMMITTEE VOTES

Two other tobacco-related bills were introduced during the 2010 legislative session but did not make it far enough in the legislative process to receive a floor vote in either house. **AB 2757: Restricting the Sale of Blunt Wraps (Bradford – D, Inglewood)** failed to make it through the Assembly Appropriations Committee. **SB 1109: Redirecting Funds from the Proposition 10 Tobacco Products Tax (Cox – R, Fair Oaks)** failed to pass the Senate Health Committee.

2010 TOBACCO VOTE RECORD

Below is the Tobacco Vote Record for the California Legislature during the 2010 legislative session. The vote record shows how every Assembly Member and Senator voted on five tobacco-related bills that received floor votes in both houses.

Key: **Y** – voted yes on the bill, **N** – voted no on the bill, **NV** – absent or did not vote on the bill, **N/A** – legislator not a member of that house at time of vote

The Assembly and Senate held floor votes on certain bills more than once, to concur with amendments made in the other house or because the bill failed to pass on the first vote. In some instances, member's votes differed when a bill was voted on more than once. If a member was absent or did not vote on the bill during one of the votes but voted during the other vote, then the vote record displays the time they actually voted. If a member voted no on a bill

one time, and yes on a bill another time, then the vote record displays both votes.

The “Y” and “N” refer to how the legislator actually voted on the legislation, not how the legislator voted in relation to the tobacco control position on the bill. To understand exactly what a yes or no vote means in relation to the tobacco control position, it is important to refer to the tobacco control positions that are included with each bill summary on the previous pages.

Note: Sam Blakeslee and Bill Emmerson are listed on the vote record twice since they were both in the Assembly for part of the 2010 legislative session and in the Senate for the remainder of the session. Each table reflects the votes while they were a member of that specific house and reads N/A for any votes that occurred while not a member of that house.

ASSEMBLY

Assembly Member	AB 2496	AB 2733	SB 4	SB 220	SB 882
Adams, Anthony (R-59)	Y/N	Y	N	Y	Y
Ammiano, Tom (D-13)	Y	Y	Y	Y	Y
Anderson, Joel (R-77)	N	Y	N	N	Y
Arambula, Juan (I-31)	Y	Y	NV	Y	Y
Bass, Karen (D-47)	Y	Y	Y	Y	Y
Beall, Jim Jr. (D-24)	Y	Y	Y	Y	Y
Berryhill, Bill (R-26)	N	Y	N	N	Y
Berryhill, Tom (R-25)	N	Y	N	N	Y
Blakeslee, Sam (R-33)	Y	Y	N	N/A	Y
Block, Marty (D-78)	Y	Y	Y	Y	Y
Blumenfield, Bob (D-40)	Y	Y	Y	Y	Y
Bradford, Steven (D-51)	Y	Y	Y	Y	Y
Brownley, Julia (D-41)	Y	Y	Y	Y	Y
Buchanan, Joan (D-15)	Y	Y	Y	Y	Y
Caballero, Anna (D-28)	Y	Y	Y	Y	Y
Calderon, Charles (D-58)	Y	Y	Y	Y	Y
Carter, Wilmer Amina (D-62)	Y	Y	Y	Y	Y
Chesbro, Wes (D-01)	Y	Y	Y	Y	Y
Conway, Connie (R-34)	N	Y	N	N	Y
Cook, Paul (R-65)	NV	Y	N	N	Y
Coto, Joe (D-23)	Y	Y	Y	Y	Y
Davis, Mike (D-48)	Y	Y	Y	Y	Y
De La Torre, Hector (D-50)	Y	Y	Y	Y	Y
de León, Kevin (D-45)	Y	Y	Y	Y	Y
DeVore, Chuck (R-70)	N	Y	N	N	Y
Emmerson, Bill (R-63)	Y	Y	N	N/A	N/A
Eng, Mike (D-49)	Y	Y	Y	Y	Y
Evans, Noreen (D-07)	Y	Y	Y	Y	Y
Feuer, Mike (D-42)	Y	Y	Y	Y	Y
Fletcher, Nathan (R-75)	N	Y	N	Y	Y
Fong, Paul (D-22)	Y	Y	Y	Y	Y
Fuentes, Felipe (D-39)	Y	Y	NV	Y	Y
Fuller, Jean (R-32)	N	Y	N	N	Y

Assembly Member	AB 2496	AB 2733	SB 4	SB 220	SB 882
Furutani, Warren (D-55)	Y	Y	Y	Y	Y
Gaines, Ted (R-04)	N	Y	N	N	Y
Galgiani, Cathleen (D-17)	Y	Y	Y	Y	Y
Garrick, Martin (R-74)	N	Y	N	N	Y
Gatto, Mike (D-43)	Y	Y	N/A	Y	Y
Gilmore, Danny (R-30)	N/Y	Y	N	N	Y
Hagman, Curt (R-60)	N	Y	N	N	Y
Hall, Isadore (D-52)	Y	Y	NV	Y	Y
Harkey, Diane (R-73)	N	Y	N	Y	Y
Hayashi, Mary (D-18)	Y	Y	Y	Y	Y
Hernandez, Ed (D-57)	Y	Y	Y	Y	Y
Hill, Jerry (D-19)	Y	Y	Y	Y	Y
Huber, Alyson (D-10)	Y	Y	Y	N	Y
Huffman, Jared (D-06)	Y	Y	Y	Y	Y
Jeffries, Kevin (R-66)	N	NV	N	N	Y
Jones, Dave (D-09)	Y	Y	Y	Y	Y
Knight, Steve (R-36)	N	NV	N	N	Y
Lieu, Ted (D-53)	Y	Y	Y	Y	Y
Logue, Dan (R-03)	N	Y	N	N	Y
Lowenthal, Bonnie (D-54)	Y	Y	Y	Y	Y
Ma, Fiona (D-12)	Y	Y	Y	Y	Y
Mendoza, Tony (D-56)	Y	Y	Y	Y	Y
Miller, Jeff (R-71)	Y/N	Y	NV	N	Y
Monning, William (D-27)	Y	Y	Y	Y	Y
Nava, Pedro (D-35)	Y	Y	Y	Y	Y
Nestande, Brian (R-64)	Y	Y	N	Y	Y
Niello, Roger (R-05)	N	Y	N	N	Y
Nielsen, Jim (R-02)	Y/N	Y	N	N	Y
Norby, Chris (R-72)	N	Y	N	N	NV
Perez, John (D-46)	Y	Y	NV	Y	Y
Perez, V. Manuel (D-80)	Y	Y	NV	Y	Y
Portantino, Anthony (D-44)	Y	Y	Y	Y	Y
Ruskin, Ira (D-21)	Y	Y	Y	Y	Y
Salas, Mary (D-79)	Y	Y	Y	Y	Y
Saldaña, Lori (D-76)	Y	Y	Y	Y	Y
Silva, Jim (R-67)	N	Y	N	N	Y
Skinner, Nancy (D-14)	Y	Y	Y	Y	Y
Smyth, Cameron (R-38)	N	Y	N	N	Y
Solorio, Jose (D-69)	Y	Y	Y	Y	Y
Strickland, Audra (R-37)	N	Y	N	N	Y
Swanson, Sandre (D-16)	Y	Y	Y	Y	Y
Torlakson, Tom (D-11)	Y	Y	Y	Y	Y
Torres, Norma (D-61)	Y	Y	NV	Y	Y
Torrico, Alberto (D-20)	Y	Y	Y	Y	Y
Tran, Van (R-68)	Y	Y	N	N	Y
Villines, Michael (R-29)	Y	Y	N	N	Y
Yamada, Mariko (D-08)	Y	Y	Y	Y	Y

SENATE

Senator	AB 2496	AB 2733	SB 4	SB 220	SB 882
Aanestad, Sam (R-04)	N	Y	N	NV	Y
Alquist, Elaine (D-13)	Y	Y	Y	Y	Y
Ashburn, Roy (R-18)	NV	Y	N	N	Y
Blakeslee, Sam (R-15)	Y	N/A	N/A	Y	N/A
Calderon, Ronald (D-30)	Y	Y	Y	Y	Y
Cedillo, Gil (D-22)	Y	Y	Y	Y	Y
Cogdill, Dave (R-14)	N	NV	N	N	Y
Corbett, Ellen (D-10)	Y	Y	Y	Y	Y
Correa, Lou (D-34)	Y	Y	N	Y	Y
Cox, Dave (R-01)	N/A	N/A	N	N/A	NV
Denham, Jeff (R-12)	N	NV	NV	N	Y
DeSaulnier, Mark (D-07)	NV	Y	Y	Y	Y
Ducheny, Denise Moreno (D-40)	Y	Y	NV	Y	Y
Dutton, Bob (R-31)	N	Y	N	N	Y
Emmerson, Bill (R-37)	Y	Y	N/A	N	Y
Florez, Dean (D-16)	Y	Y	Y	Y	Y
Hancock, Loni (D-09)	Y	Y	Y	Y	Y
Harman, Tom (R-35)	NV	NV	N	N	Y
Hollingsworth, Dennis (R-36)	N	N	N	N	Y
Huff, Bob (R-29)	N	NV	N	N	Y
Kehoe, Christine (D-39)	Y	Y	Y	Y	Y
Leno, Mark (D-03)	Y	Y	Y	Y	Y
Liu, Carol (D-21)	Y	Y	Y	Y	Y
Lowenthal, Alan (D-27)	Y	Y	Y	Y	Y
Maldonado, Abel (R-15)	N/A	N/A	Y	N/A	N/A
Negrete McLeod, Gloria (D-32)	Y	Y	Y	N	Y
Oropeza, Jenny (D-28)	NV	NV	Y	NV	NV
Padilla, Alex (D-20)	Y	Y	Y	Y	Y
Pavley, Fran (D-23)	Y	Y	Y	Y	Y
Price, Curren Jr. (D-26)	Y	Y	NV	Y	Y
Romero, Gloria (D-24)	Y	Y	Y	Y	Y
Runner, George (R-17)	N	Y	N	N	Y
Simitian, Joe (D-11)	NV	Y	Y	Y	Y
Steinberg, Darrell (D-06)	Y	Y	Y	Y	Y
Strickland, Tony (R-19)	N	Y	N	N	Y
Walters, Mimi (R-33)	N	NV	N	N	NV
Wiggins, Patricia (D-02)	NV	NV	NV	NV	NV
Wolk, Lois (D-05)	Y	Y	Y	Y	Y
Wright, Rod (D-25)	Y	Y	NV	NV	Y
Wyland, Mark (R-38)	N	Y	N	N	Y
Yee, Leland (D-08)	Y	Y	Y	Y	Y

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