



## Final Update and Tobacco Vote Record 2011 California Legislative Session

During the 2011 legislative session of the California Legislature, 16 tobacco-related bills were introduced. Of these, seven bills received a vote on either the Assembly or Senate floor. Three of these bills were passed by both the Assembly and the Senate and all three were signed into law by Governor Jerry Brown. Tobacco-related bills signed into law this session authorize landlords to make rental properties smokefree, allow for increased enforcement of smokefree laws on college campuses and create penalties for delivering tobacco products to patients in state hospitals. The new laws will go into effect on January 1, 2012.

The American Lung Association in California's 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](http://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. For the seven bills that received floor votes, 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, American Cancer Society and American Heart Association.

This update also briefly reviews the nine bills that did not receive a floor vote in either house. Full summaries and status updates on these bills are available on the Center's [Bill Tracker](#). Following the final update is the 2011 Tobacco Vote Record that contains details about how every Assembly Member and Senator voted on the seven tobacco-related bills that received floor votes.

*Copies of the legislation and vote information may be obtained at <http://www.leginfo.ca.gov>. Press statements from the American Lung Association in California about tobacco-related bills are available at [www.lungusa.org/associations/states/california/for-the-media](http://www.lungusa.org/associations/states/california/for-the-media).*

### BILLS THAT WERE SIGNED BY THE GOVERNOR

**Key for Tobacco Control Position:** ALAC – American Lung Association in California, ACS – American Cancer Society, AHA – American Heart Association

#### [AB 795 – Strengthening Enforcement of Tobacco Policies at State Colleges and Universities \(Block – D, San Diego\)](#)

Assembly Bill 795 provides for enforcement of smokefree laws on campuses of the three state college/university systems in California (University of California (UC), California State University (CSU) and California Community Colleges). This bill adds enforcement language to existing state law that prohibits smoking within 20 feet of entrances and exits to public buildings and for any additional tobacco use and smoking regulations adopted by the campus. Specifically, the three state college and university systems will be able to collect fines for violations, post signs and inform employees and students of the campus smoking policies. Funds collected from fines can be used for enforcement and education about the policy and for tobacco cessation.

**Legislative History:** Passed the Assembly (54-23 on May 23 and 53-24 on August 31) and the Senate (29-9 on August 29). The Governor signed AB 795 into law on October 8.

**Tobacco Control Position:** ALAC Sponsor/Support; ACS/ AHA Support

### **SB 332: Authorizing Landlords to Prohibit Smoking in Rental Units (Padilla – D, San Fernando Valley)**

Senate Bill 332 authorizes landlords to prohibit smoking on any part of the property they manage, including within units. For properties that adopt a smoking restriction, all leases or rental agreements entered into after January 1, 2012 are required to include a provision specifying where smoking is prohibited and adequate notice shall be provided for changes to leases or rental agreements entered into before January 1, 2012. Any changes to the smoking policy for the property would require landlords to adequately notify tenants in accordance with federal, state and local notice requirements. The bill also specifically does not preempt any local ordinance that restricts the smoking of cigarettes or other tobacco products.

**Legislative History:** Passed the Senate (33-2 on May 9 and 37-0 on August 15) and the Assembly (66-9 on July 11). The Governor signed SB 332 into law on September 6.

**Tobacco Control Position:** ALAC/ACS/AHA Support

### **SB 796: Creating Penalties for Delivering Prohibited Items in State Hospitals (Blakeslee – R, San Luis Obispo)**

Senate Bill 796 makes the delivery of prohibited items to patients in state hospitals a misdemeanor punishable by a maximum fine of \$1,000 for each prohibited item. If the state hospital has a ban on tobacco products, then tobacco products are considered a prohibited item. The bill requires the prohibited items to be confiscated from visitors, but returned the same day unless the item is being held for evidence.

**Legislative History:** Passed the Senate (38-0 on May 31 and 34-0 on August 22) and the Assembly (76-0 on July 14). The Governor signed SB 796 into law on August 31.

**Tobacco Control Position:** ALAC/ACS/AHA No Position

## **BILLS THAT RECEIVED A FLOOR VOTE IN ONLY ONE HOUSE**

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### **AB 217: Modifying Exemption for Smoking in Long-Term Health Care Facilities (Carter – D, Rialto)**

Assembly Bill 217 would have modified the exemption in the statewide smokefree workplace law (Labor Code 6404.5) for long-term health care facilities to only allow patient smoking areas at long-term health care facilities that meet certain conditions. The patient smoking areas could not be located in a patient's room, must be outdoors in a courtyard, patio or other outdoor area that can be monitored by staff and must be in an area where smoke does not enter the facility or patient rooms. The bill specifically did not preempt a long-term care facility from making the entire grounds (inside and outside) smokefree.

**Legislative History:** Passed the Assembly (50-26 on May 16). The legislation was held in a Senate Committee.

**Tobacco Control Position:** ALAC/ACS/AHA No Position

### **AB 1301: Increasing Penalties for Selling Tobacco Products to Minors (Hill – D, South San Francisco)**

Assembly Bill 1301 would have made changes to the Cigarette and Tobacco Products Licensing Act to increase penalties for violations of the Stop Tobacco Access to Kids Enforcement (STAKE) Act and Penal Code Section 308 (which both prohibit sale and distribution

of tobacco products to minors). This legislation would have increased the penalties for violations to: first violation – warning letter to retailer; second violation within three years - \$500 fine unless that retailer shows proof that an identification verification scanner has been purchased and installed; third violation within three years – license suspended for 45 days; fourth violation within three years – license suspended for 180 days; fifth violation within three years – license revoked. In addition, under current law, the Board of Equalization (BOE) can only take action against retailers for violations of the sales to minors laws if the state youth purchase survey is higher than 13 percent. This legislation would have removed that requirement.

**Legislative History:** Passed the Assembly (61-15 on May 31). The legislation was held in a Senate Committee.

**Tobacco Control Position:** ALAC/ACS/AHA Support (version that was passed by the Assembly)

### **SB 575: Expanding Smokefree Indoor Workplaces (DeSaulnier – D, Concord)**

Senate Bill 575 would have eliminated most of the exemptions in the existing statewide smokefree workplace law (Labor Code 6404.5). This legislation would have eliminated the exemptions and prohibited smoking in hotel and motel lobbies, meeting and banquet rooms of hotels and motels, warehouse facilities, patient smoking areas in long-term health facilities, employee break rooms and employers with five or fewer employees. The bill would have prohibited smoking at and defined an owner-operated business as any business having no employees, independent contractors or volunteers. SB 575 would also have deleted the exemptions, along with the ventilation standards language, for gaming clubs and bars and taverns even though those exemptions are not in effect. The exemption for guestrooms at a hotel or motel would have been reduced from allowing smoking in a maximum of 65 percent of rooms to a maximum of 20 percent of rooms. This bill would also have modified the smoking prohibition for family day care homes to prohibit smoking in family day care homes in all parts of the residence during the hours of operation. Current law only prohibits smoking in areas where children are present during the hours of operation.

**Legislative History:** Passed the Senate (25-14 on June 2). The legislation was held in an Assembly Committee.

**Tobacco Control Position:** ALAC/ACS/AHA Co-Sponsor/Support

### **SBX1 23: Authorizing Local Taxes Including Tobacco Taxes (Committee on Budget and Fiscal Review)**

SBX1 23 would have authorized the governing board of any county, school district, community college district or county office of education (pursuant to constitutional and voter approval requirements) to levy, increase or extend many forms of local taxes. One of the local taxes authorized by this bill was a cigarette and tobacco products tax. SBX1 23 would have required counties, school districts, community college districts and county offices of education to reimburse the state for any losses in the state General Fund due to local taxes. Any local cigarette and tobacco products tax would not have been able to exceed five cents per cigarette.

**Legislative History:** Passed the Senate (21-16 on June 10). The legislation was held in the Assembly.

**Tobacco Control Position:** ALAC/ACS/AHA No Position

## BILLS THAT DID NOT RECEIVE FLOOR VOTES

Nine other tobacco-related bills were introduced during the 2011 legislative session but did not make it far enough in the legislative process to receive a floor vote in either house. Below is the complete list of bills along with the final outcome.

[AB 718: Making Minor Technical Changes to State Licensing Law \(Hall – D, Los Angeles\)](#) did not receive any Assembly committee votes.

[AB 842: Making Minor Technical Changes to Stop Tobacco Access to Kids Enforcement Act \(Hall – D, Los Angeles\)](#) did not receive any Assembly committee votes.

[AB 1030: Allowing for Suspension of Distributor's License for Tax Violations \(Achadjian – R, San Luis Obispo\)](#) passed one Assembly committee but was held in another Assembly committee.

[AB 1218: Prohibiting Tax Deductions for Tobacco Advertising Expenses \(Pan – D, Sacramento\)](#) did not receive any Assembly committee votes.

[SB 136: Requiring Health Insurance Policies to Cover Tobacco Cessation Services \(Yee – D, San Francisco\)](#) was amended into a bill unrelated to tobacco.

[SB 330: Increasing the State Tobacco Tax \(Padilla – D, San Fernando Valley\)](#) did not receive any Senate committee votes.

[SB 331: Restricting Sales of Tobacco Products Near Schools \(Padilla – D, San Fernando Valley\)](#) did not receive any Senate committee votes.

[SB 417: Prohibiting Electronic Benefits Transfer Cards from Being Used to Purchase Tobacco Products \(Dutton – R, Rancho Cucamonga\)](#) failed to pass a Senate committee.

[SB 653: Authorizing Local Taxes Including Tobacco Taxes \(Steinberg – D, Sacramento\)](#) passed Senate committees but was held on the Senate floor.

Visit the Center's Bill Tracker for full details about all of the tobacco-related bills introduced in the 2011 legislative session.

[www.Center4TobaccoPolicy.org/bills](http://www.Center4TobaccoPolicy.org/bills)

The screenshot shows the website interface for the Center for Tobacco Policy & Organizing. The main heading is "TOBACCO-RELATED BILLS". Below this, there is a paragraph explaining the Bill Tracker's purpose. A dropdown menu titled "Bill Tracker" is open, showing a list of bills from the 2011-2012 Legislative Session. The bills listed include AB 1030, AB 1218, AB 1301, AB 217, AB 718, AB 795, AB 842, SB 136, SB 330, SB 331, SB 332, SB 417, SB 575, SB 653, SB 796, SB X1 23, and AB 2496, AB 2733, AB 2757, and AB 574.

## 2011 TOBACCO VOTE RECORD

Below is the Tobacco Vote Record for the California Legislature during the 2011 legislative session. The vote record shows how every Assembly Member and Senator voted on seven tobacco-related bills, three that received a floor vote in both houses, two that were only voted on by the Assembly and two that were only voted on by the Senate.

**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 on a leave of absence 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:** During the time period when all of these votes occurred, Assembly Member Jeff Gorell was on a leave of absence from the California State Assembly. He was called back to active duty by the U.S. Navy and took a leave of absence to serve a one-year deployment to Afghanistan. The table reads N/A for his votes.

## ASSEMBLY

| Assembly Member             | AB 217 | AB 795 | AB 1301 | SB 332 | SB 796 |
|-----------------------------|--------|--------|---------|--------|--------|
| Achadjian, Katcho (R-33)    | N      | Y      | Y       | Y      | Y      |
| Alejo, Luis (D-28)          | Y      | Y      | Y       | Y      | Y      |
| Allen, Michael (D-07)       | Y      | Y      | Y       | Y      | Y      |
| Ammiano, Tom (D-13)         | Y      | Y      | Y       | Y      | Y      |
| Atkins, Toni (D-76)         | Y      | Y      | Y       | Y      | Y      |
| Beall, Jim Jr. (D-24)       | Y      | Y      | Y       | NV     | Y      |
| Berryhill, Bill (R-26)      | N      | N      | NV      | Y      | Y      |
| Block, Marty (D-78)         | Y      | Y      | Y       | Y      | Y      |
| Blumenfield, Bob (D-40)     | Y      | Y      | Y       | Y      | Y      |
| Bonilla, Susan (D-11)       | 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      |
| Butler, Betsy (D-53)        | Y      | Y      | Y       | Y      | Y      |
| Calderon, Charles (D-58)    | Y      | Y      | NV      | Y      | Y      |
| Campos, Nora (D-23)         | Y      | Y      | Y       | Y      | Y      |
| Carter, Wilmer Amina (D-62) | Y      | Y      | Y       | Y      | Y      |
| Cedillo, Gil (D-45)         | Y      | Y      | Y       | Y      | Y      |
| Chesbro, Wes (D-01)         | NV     | Y      | Y       | Y      | Y      |
| Conway, Connie (R-34)       | N      | N      | N       | N      | Y      |
| Cook, Paul (R-65)           | N      | N      | Y       | Y      | Y      |
| Davis, Mike (D-48)          | Y      | Y      | Y       | Y      | Y      |
| Dickinson, Roger (D-09)     | Y      | Y      | Y       | Y      | Y      |
| Donnelly, Tim (R-59)        | N      | N      | N       | N      | Y      |
| Eng, Mike (D-49)            | Y      | Y      | Y       | Y      | Y      |
| Feuer, Mike (D-42)          | Y      | Y      | Y       | Y      | Y      |
| Fletcher, Nathan (R-75)     | N      | Y      | Y       | Y      | Y      |
| Fong, Paul (D-22)           | Y      | Y      | Y       | Y      | Y      |
| Fuentes, Felipe (D-39)      | Y      | Y      | Y       | Y      | Y      |
| Furutani, Warren (D-55)     | Y      | Y      | Y       | Y      | Y      |
| Gaines, Beth (R-04)         | N      | N      | N       | Y      | NV     |
| Galgiani, Cathleen (D-17)   | Y      | Y      | Y       | Y      | Y      |
| Garrick, Martin (R-74)      | N      | N      | N       | Y      | NV     |

| Assembly Member            | AB 217 | AB 795 | AB 1301 | SB 332 | SB 796 |
|----------------------------|--------|--------|---------|--------|--------|
| Gatto, Mike (D-43)         | Y      | Y      | Y       | Y      | Y      |
| Gordon, Richard (D-21)     | Y      | Y      | Y       | Y      | Y      |
| Gorell, Jeff (R-37)        | N/A    | N/A    | N/A     | N/A    | N/A    |
| Grove, Shannon (R-32)      | N      | N      | N       | N      | Y      |
| Hagman, Curt (R-60)        | N      | N      | Y       | NV     | Y      |
| Halderman, Linda (R-29)    | N      | N      | NV      | N      | Y      |
| Hall, Isadore (D-52)       | Y      | Y      | Y       | Y      | Y      |
| Harkey, Diane (R-73)       | N      | N      | N       | Y      | Y      |
| Hayashi, Mary (D-18)       | Y      | Y      | Y       | Y      | Y      |
| Hernandez, Roger (D-57)    | NV     | Y      | Y       | Y      | Y      |
| Hill, Jerry (D-19)         | Y      | Y      | Y       | Y      | Y      |
| Huber, Alyson (D-10)       | Y      | Y      | Y       | Y      | Y      |
| Hueso, Ben (D-79)          | Y      | Y      | Y       | Y      | Y      |
| Huffman, Jared (D-06)      | Y      | Y      | Y       | Y      | Y      |
| Jeffries, Kevin (R-66)     | N      | N      | Y       | Y      | Y      |
| Jones, Brian (R-77)        | N      | N      | N       | N      | Y      |
| Knight, Steve (R-36)       | N      | N      | N       | N      | Y      |
| Lara, Ricardo (D-50)       | Y      | Y      | Y       | Y      | Y      |
| Logue, Dan (R-03)          | N      | N      | N       | N      | Y      |
| Lowenthal, Bonnie (D-54)   | Y      | Y      | Y       | Y      | Y      |
| Ma, Fiona (D-12)           | Y      | Y      | Y       | Y      | Y      |
| Mansoor, Allan (R-68)      | N      | N      | Y       | NV     | Y      |
| Mendoza, Tony (D-56)       | Y      | Y      | Y       | Y      | Y      |
| Miller, Jeff (R-71)        | N      | N      | Y       | N      | Y      |
| Mitchell, Holly (D-47)     | Y      | Y      | Y       | NV     | NV     |
| Monning, William (D-27)    | Y      | Y      | Y       | Y      | Y      |
| Morrell, Mike (R-63)       | N      | N      | N       | N      | Y      |
| Nestande, Brian (R-64)     | N      | NV     | Y       | Y      | Y      |
| Nielsen, Jim (R-02)        | N      | N      | N       | Y      | Y      |
| Norby, Chris (R-72)        | NV     | N      | N       | Y      | Y      |
| Olsen, Kristin (R-25)      | N      | N      | Y       | Y      | Y      |
| Pan, Richard (D-05)        | Y      | Y      | Y       | Y      | Y      |
| Perea, Henry (D-31)        | Y      | Y      | Y       | Y      | Y      |
| Perez, John (D-46)         | Y      | Y      | Y       | Y      | Y      |
| Perez, V. Manuel (D-80)    | Y      | Y      | Y       | Y      | Y      |
| Portantino, Anthony (D-44) | Y      | Y      | Y       | Y      | Y      |
| Silva, Jim (R-67)          | N      | N      | N       | Y      | Y      |
| Skinner, Nancy (D-14)      | Y      | Y      | Y       | Y      | Y      |
| Smyth, Cameron (R-38)      | N      | N      | N       | Y      | Y      |
| Solorio, Jose (D-69)       | Y      | Y      | Y       | Y      | Y      |
| Swanson, Sandre (D-16)     | Y      | Y      | Y       | Y      | Y      |
| Torres, Norma (D-61)       | Y      | Y      | Y       | Y      | Y      |
| Valadao, David (R-30)      | N      | N      | Y       | Y      | Y      |
| Wagner, Donald (R-70)      | N      | N      | N       | Y      | Y      |
| Wieckowski, Bob (D-20)     | Y      | Y      | Y       | Y      | Y      |
| Williams, Das (D-35)       | Y      | Y      | Y       | Y      | Y      |
| Yamada, Mariko (D-08)      | Y      | Y      | Y       | Y      | Y      |

## SENATE

| Senator                       | AB 795 | SB 332 | SB 575 | SB 796 | SBX1 23 |
|-------------------------------|--------|--------|--------|--------|---------|
| Alquist, Elaine (D-13)        | Y      | Y      | Y      | Y      | Y       |
| Anderson, Joel (R-36)         | N      | N/Y    | N      | Y      | N       |
| Berryhill, Tom (R-14)         | N      | Y      | N      | Y      | N       |
| Blakeslee, Sam (R-15)         | Y      | Y      | Y      | Y      | N       |
| Calderon, Ron (D-30)          | Y      | NV     | Y      | Y      | Y       |
| Cannella, Anthony (R-12)      | N      | Y      | N      | Y      | N       |
| Corbett, Ellen (D-10)         | Y      | Y      | Y      | Y      | Y       |
| Correa, Lou (D-34)            | Y      | Y      | Y      | Y      | N       |
| De Leon, Kevin (D-22)         | Y      | Y      | Y      | Y      | Y       |
| DeSaulnier, Mark (D-07)       | Y      | Y      | Y      | Y      | Y       |
| Dutton, Bob (R-31)            | N      | Y      | N      | Y      | N       |
| Emmerson, Bill (R-37)         | Y      | Y      | N      | Y      | N       |
| Evans, Noreen (D-02)          | Y      | Y      | Y      | Y      | Y       |
| Fuller, Jean (R-18)           | N      | Y      | N      | Y      | N       |
| Gaines, Ted (R-01)            | N      | Y      | N      | Y      | N       |
| Hancock, Loni (D-09)          | Y      | Y      | Y      | Y      | Y       |
| Harman, Tom (R-35)            | NV     | Y      | N      | Y      | N       |
| Hernandez, Ed (D-24)          | Y      | Y      | Y      | Y      | Y       |
| Huff, Bob (R-29)              | Y      | Y      | N      | Y      | N       |
| Kehoe, Christine (D-39)       | Y      | Y      | Y      | Y      | Y       |
| La Malfa, Doug (R-04)         | N      | Y      | N      | Y      | N       |
| Leno, Mark (D-03)             | Y      | Y      | Y      | Y      | Y       |
| Lieu, Ted (D-28)              | Y      | Y      | Y      | Y      | Y       |
| Liu, Carol (D-21)             | Y      | Y      | Y      | Y      | Y       |
| Lowenthal, Alan (D-27)        | Y      | Y      | Y      | Y      | Y       |
| Negrete-McLeod, Gloria (D-32) | Y      | Y      | N      | Y      | Y       |
| Padilla, Alex (D-20)          | Y      | Y      | Y      | Y      | NV      |
| Pavley, Fran (D-23)           | Y      | Y      | Y      | Y      | Y       |
| Price, Curren (D-26)          | Y      | Y      | Y      | Y      | Y       |
| Rubio, Michael (D-16)         | Y      | Y      | Y      | Y      | NV      |
| Runner, Sharon (R-17)         | NV     | N      | NV     | Y      | N       |
| Simitian, Joe (D-11)          | Y      | Y      | Y      | Y      | Y       |
| Steinberg, Darrell (D-06)     | Y      | Y      | Y      | Y      | Y       |
| Strickland, Tony (R-19)       | N      | Y      | N      | Y      | N       |
| Vargas, Juan (D-40)           | Y      | Y      | Y      | Y      | Y       |
| Walters, Mimi (R-33)          | N      | Y      | N      | Y      | N       |
| Wolk, Lois (D-05)             | Y      | Y      | Y      | Y      | Y       |
| Wright, Rod (D-25)            | Y      | Y      | Y      | Y      | NV      |
| Wyland, Mark (R-38)           | Y      | Y      | N      | Y      | N       |
| Yee, Leland (D-08)            | Y      | Y      | Y      | Y      | Y       |

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