

CAMPAIGN CHRONICLES

A CAMPAIGN NEWSLETTER FOR COMMUNITIES
WORKING WITH THE CENTER

Produced by

The CENTER FOR TOBACCO POLICY & ORGANIZING

AMERICAN LUNG ASSOCIATION
of California
www.californialung.org/thecenter

LEGISLATIVE UPDATE:

GOVERNOR SIGNS TOBACCO LICENSING BILL

By Julie Bradley-Hart,
Policy Coordinator

Assembly Bill 71 "California Cigarette and Tobacco Products Licensing Act of 2003" (J. Horton, Dem. – Inglewood) was signed by Governor Davis on October 12, 2003. In his signing message, Governor Davis stated that he was "strongly opposed to the provisions of this measure that allow a vendor to remain licensed by the State to sell tobacco after they have been sanctioned numerous times for selling cigarettes to minors." He also urged the legislature to enact tougher legislation next year.

What the Bill Does

AB 71 establishes a statewide licensing program for tobacco retailers, wholesalers, distributors, manufacturers and importers, which would be administered by the state Board of Equalization (BOE).

- The main purpose of the bill is to combat tobacco tax evasion, smuggling and counterfeiting which results in lost tax revenue to the state, both in the form of sales tax and tobacco tax revenues.
- The bill requires retailers to be licensed and to pay a one-time \$100 licensing fee.

The provisions that Governor Davis referred to above, and that the American Lung Association of California, the American Cancer Society, and the American Heart Association called "flawed and detrimental to tobacco control," include:

- Sales to minors provisions that only go into effect when the state sales to minors rate exceeds 13 percent as determined by the Department of Health Services annual Statewide Youth Tobacco Purchase Survey. On January 1, 2004, when the bill goes into effect, this "trigger" mechanism will not be turned on because last years

■ See **AB71**, page 2

As the Stomach Churns: Community Organizing

By Brian Peterson,
Project Director

"When I heard what Jack Nicholl was saying, I got a knot in my stomach," admitted April Roeseler of TCS.

Empathetic chuckles followed from some of the more than 60 attendees at last Thursday's community organizing training sponsored by The Center and TCS. Roeseler closed the day-long training by addressing the ambivalence felt by many of those in attendance regarding the use of Community Organizing techniques to pass local policy.

■ See **Organized**, page 2

TOBACCO CAMPAIGN MONEY STILL FLOWS TO LEGISLATORS

By Julie Bradley-Hart,
Policy Coordinator

Although there have been many victories for tobacco control in California, it is important to remember that the tobacco industry's still uses its enormous economic wealth to influence the legislative process. The following information provides a quick look at the tobacco industry's contributions to the campaigns of current legislators during the most recent election cycle, ending December 31, 2002. (Soon, the Center for Tobacco Policy and Organizing will make available campaign contributions through the latest reporting

period ending June 30, 2003.)

The companies representing the tobacco industry contribution numbers below include Brown & Williamson, Lorillard, Philip Morris, RJ Reynolds, Smokeless Tobacco Council and U.S. Tobacco.

- Fifty-six of the 120 California legislators, or 47percent, received campaign contributions from the tobacco industry.
- Republican legislators were much more likely to receive

■ See **Money**, page 2

■ Money, from page 2

contributions than democrats. 85 percent of all Republican legislators currently in office received contributions compared to 22 percent of Democrats.

- Legislators receiving \$10,000 or more from the tobacco industry include:
- **Senator Jim Brulte (R – Rancho Cucamonga) - \$67,500**
 - **Assemblyman Tony Strickland (R – Thousand Oaks) \$45,000**
 - **Assemblyman Ed Chavez (D – La**

- Puente) - \$18,000**
- **Assemblyman Jerome Horton (D – Inglewood) - \$17,000**
- **Senator Mike Machado (D – Linden)- \$16,000**
- **Assemblywoman Lynn Daucher (R-Brea) - \$11,000**
- **Assemblyman Ken Maddox (R – Garden Grove) - \$11,000**
- **Senator Jim Battin (R – La Quinta) \$10,500**
- **Senator Dick Ackerman (R - Irvine) \$10,000**

- **Assemblyman Ron Calderon (D – Montebello) - \$10,000**
- **Assemblyman Mark Wyland (R – Del Mar) - \$10,000**

The Center is currently working on a complete report on the tobacco industry's campaign contributions and lobbying efforts in California. If you have questions or would like more information please contact Julie Bradley-Hart at 916-442-4299 or jbhart@alac.org.

AB 71, from page 1,

statewide sales rate was 12.8 percent. Any convictions that occur under PC 308 or the STAKE Act will have no effect on a retailer's state license.

- No increase in funding to enforce the STAKE Act or PC308. Without increased funding, even if the "trigger" is activated most retailers will not be held accountable.
- Leniency toward retailers who repeatedly sell to minors. A license is not suspended until a retailer convicted four times within 12 months. It takes eight convictions within 24 months to revoke a license. Yet, since 1995 the STAKE program has not fined the same retailer more than three times, due mainly to a lack of sufficient funding to do inspections.

Implications for Local Tobacco Retail Licensing Efforts

AB71 in no way restricts local governments from passing licensing ordinances that work. In fact, it includes the

following language that supports local efforts to enact stronger ordinances: "Nothing in this division preempts or supersedes any local tobacco control law other than those related to the collection of state taxes. Local licensing laws may provide for the suspension or revocation of the local license for any violation of a state tobacco control law."

AB 71 may present a challenge for some communities. Although the law does little to protect California's youth, local retailers and policy makers might question why a local law is needed when there is a state retail license requirement. The Center is working with the Tobacco Control Section (TCS), the Technical Assistance Legal Center (TALC), the American Lung Association of California, American Heart Association and American Cancer Society, to produce materials that address the issues raised by AB 71 and arguments in support of the continuation of local efforts.

- *Julie Bradley-Hart has been providing Policy research and technical assistance for the Center since November 2002.*

■ From Organized, page 2

"We no longer have the luxury to spend time educating a few retailers here and there...we need to pass policy. And if we can't do it then we need to support a group that can", continued Roeseler.

Along with other Center team members, Nicholl stressed this need to create a separate campaign team if key decision makers are not willing to pass local policy. Unless there is a reasonable degree of separation between the local lead and the group driving the policy, it may be difficult or impossible to apply the needed pressure.

Assessing the political environment, using a strategy chart, recruiting and negotiating tips were topics also reviewed as they relate to community organizing strategies.

Afternoon breakout sessions allowed participants to share their experiences surrounding the top two identified barriers of there not being enough people who feel strongly about tobacco control issues and having an unfavorable political environment.

If you were not able to attend this training and would like more information on how to apply any of the topics covered to your current or upcoming policy campaign, please contact The Center.

Contact us: **THE CENTER FOR TOBACCO POLICY & ORGANIZING**

phone (916)442-4299 - email thecenter@californialung.org - web www.californialung.org/thecenter
921 11th Street, Suite 700, Sacramento, CA 95814-2821