

## **Tobacco Legislative Vote Record 2006 California Legislative Session**

### **INTRODUCTION**

The Center for Tobacco Policy and Organizing reviews and monitors the progress of tobacco-related legislation and policy issues at the state and local level, and provides policy analysis about these issues to tobacco prevention and control advocates and the general public. The Tobacco Legislative Vote Record is designed to record voting patterns of the California Legislature on key tobacco legislation as well as to show individual votes of each Assembly member and State Senator on these bills. In addition to the annual vote record, the Center provides legislative updates throughout the year when tobacco related legislation is introduced and when key votes are taken.

A summary of each bill is detailed below along with the position taken on the bill by major California tobacco control organizations. The tobacco control position noted below reflects the position and/or positions of the American Lung Association of California, American Heart Association and American Cancer Society, collectively or separately. Not every organization had positions on all the bills summarized here. The Vote Chart which accompanies this update reflects individual legislators' votes on the following bills. A check mark ( ✓ ) indicates a vote in favor of the legislation, and an ( X ) is a vote against.

When reviewing the Vote Chart, please take the time to read the bill summaries below. These bills were all tobacco-related, but a vote in favor of a particular bill does not necessarily indicate a pro-tobacco control vote. Please consider the content of a particular bill before making that assessment.

### **BILL SUMMARY**

#### **Bills That Became Law**

##### **SB 1141 (Committee on Budget and Fiscal Review) Tobacco assets: sales**

Senate Bill 1141 authorizes the state to sell residual interests in California's tobacco assets. Residual interests are future settlement payments that the state will receive after existing bondholders are fully paid. The bonds sold a few years ago to pay down the state's budget deficit are expected to be paid off by the year 2022. This bill securitizes the tobacco payments to the state after 2022 and through about the year 2030.

**Status:** Passed Assembly (48-30) and Senate (21-17). Signed into law by the Governor on September 29, and filed as Chapter 641, Statutes of 2006. **Tobacco Control Position:** No position taken.

##### **AB 1749 (Horton – D, Inglewood) Cigarettes and tobacco products**

Assembly Bill 1749 makes substantive changes to the state cigarette and tobacco products licensing law (passed in 2003 as AB 71) by increasing licensing fees, requiring licenses for manufacturers and importers of other tobacco products besides cigarettes, increasing fines for violating the laws, limiting in-store placement of blunt wraps, and repealing the sunset provision present in the original AB 71 legislation.

Specifically, AB 1749 requires tobacco manufacturers and importers (excluding chewing tobacco) to pay a one-time license fee of \$2,000. Chewing tobacco manufacturers and importers will pay a one-time fee of \$10,000. Retailers, distributors, importers and manufacturers are all prohibited from purchasing tobacco products from anyone who is not licensed or whose license is suspended. The bill imposes fines for possessing, selling or buying counterfeit cigarettes and fraudulent cigarette tax stamps. This bill increases to \$25,000 the fines for the sale of unstamped or un-metered cigarettes, for falsely or fraudulently making a cigarette tax stamp or meter impression, and for transporting cigarettes without a permit. The bill adds blunt wraps to the list of tobacco paraphernalia and imposes specific restrictions on the sale of blunt wraps. AB 1749 also deletes the January 1, 2010 repeal date present in the state law.

**Status:** Passed Assembly (57-18) and Senate (23-15). Signed into law by the Governor on September 27, and filed as Chapter 501, Statutes of 2006. **Tobacco Control Position:** No position taken.

**AB 1880 (Blakeslee – R, San Luis Obispo) Smoking and violence at Atascadero State Hospital**

Assembly Bill 1880 requires the Atascadero State Hospital Director to develop a strategic plan to address issues of staff and patient safety, to manage incidents of violence, and to improve the health and workplace environment of the hospital by regulating the use of tobacco products by all staff, patients and visitors on the hospital grounds. The Director must convene a group of representatives from patients' rights organizations, medical organization, and labor unions to address these issues.

**Status:** Passed Assembly (78-1) and Senate (33-0). Signed into law by the Governor on September 18, and filed as Chapter 316, Statutes of 2006. **Tobacco Control Position:** No position taken.

**AB 2001 (Cogdill – R, Modesto) Cigarettes and tobacco products**

Assembly Bill 2001 deletes the January 1, 2007 sunset provision for the Board of Equalization's deferred payment option available to tobacco product distributors who submit twice-monthly payments of tobacco taxes. Distributors who use the deferred payment option are required to post a security deposit, and this bill specifies that the deposit must be in the form of cash, a cash equivalent, or a surety bond.

**Status:** Passed Assembly (70-1) and Senate (39-0). Signed into law by the Governor on July 12, and filed as Chapter 70, Statutes of 2006. **Tobacco Control Position:** No position taken.

**AB 2067 (Oropeza – D, Long Beach) Smoking: enclosed spaces in buildings**

Assembly Bill 2067 prohibits smoking in common areas of covered parking lots and adds a definition of "enclosed spaces of employment" to current law to include areas such as lobbies, lounges, waiting areas, elevators, stairwells and restrooms that are a structural part of a building.

**Status:** Passed Assembly (54-24) and Senate (21-13). Signed into law by the Governor on September 29, and filed as Chapter 736, Statutes of 2006. **Tobacco Control Position:** Support.

**Bills Vetoed By the Governor**

**SB 1208 (Ortiz – D, Sacramento) Tobacco products**

Senate Bill 1208 would have banned internet sales of cigarettes by prohibiting the shipment of cigarettes to private individuals in California, and would have established criminal and civil penalties for violation of this prohibition. Individuals would have been allowed to transport up to 800 cigarettes (4 cartons) for themselves or other adults in California.

The bill was amended to exclude cigars, pipe tobacco, and other tobacco products from the internet provisions but would have set other restrictions to ensure that those products are not purchased by minors. Before shipping these tobacco products, a seller would have been required to first verify that the purchaser is at least 18 years old. This can be done through government records or by requiring the purchaser to submit an attestation and a copy of a government document that verifies age. In addition, payment would have been required by personal check or credit card and the products would have been required to be shipped to the purchaser's verified billing address, but not to a post office box. The seller would also have been required to verify the order by calling the purchaser prior to shipment.

**Status:** Passed Assembly (48-31) and Senate (21-13). Governor Schwarzenegger vetoed SB 1208 on September 29. **Tobacco Control Position:** Support.  
You can view the veto message at: [http://gov.ca.gov/pdf/press/sb\\_1208\\_veto.pdf](http://gov.ca.gov/pdf/press/sb_1208_veto.pdf)

### **Bills That Passed in the Senate But Failed in the Assembly**

#### **AB 379 (Koretz – D, West Hollywood) Smoking in cars with young children**

Assembly Bill 379 would have made it an infraction to smoke in cars with children who are required to be in safety seats (currently under 6 years or 60 pounds). Provided for fines of up to \$100 for violations of the law.

**Status:** Passed Senate (23-14), but failed in the Assembly (37-35). **Tobacco Control Position:** Support.

## 2006 Vote Chart on Tobacco-Related Legislation

Senate Members	SB 1141	SB 1208	AB 379	AB 1749	AB 1880	AB 2001	AB 2067	Assembly Members	SB 1141	SB 1208	AB 379	AB 1749	AB 1880	AB 2001	AB 2067	Assembly Members	SB 1141	SB 1208	AB 379	AB 1749	AB 1880	AB 2001	AB 2067
Aanestad	X	X	X	X	✓	✓	X	Aghazarian	X	X	X	✓	✓	✓	X	Laird	✓	✓	✓	✓	✓	✓	✓
Ackerman	X	X	X	X	✓	✓	X	Arambula	✓	✓	X	nv	✓	✓	✓	Leno	✓	✓	✓	✓	✓	✓	✓
Alarcon	✓	✓	✓	✓	✓	✓	✓	Baca	✓	✓	✓	✓	✓	✓	✓	Leslie	X	X	X	X	✓	✓	X
Alquist	✓	✓	✓	✓	✓	✓	✓	Bass	✓	✓	✓	✓	✓	✓	✓	Levine	✓	✓	✓	✓	✓	✓	✓
Ashburn	X	X	X	X	✓	✓	X	Benoit	X	X	X	✓	✓	✓	nv	Lieber	✓	✓	✓	✓	✓	X	✓
Battin	✓	X	X	X	✓	✓	X	Berg	✓	✓	nv	nv	✓	✓	✓	Lieu	✓	✓	✓	✓	✓	✓	✓
Bowen	✓	nv	✓	✓	nv	✓	✓	Bermudez	✓	✓	nv	✓	✓	✓	✓	Liu	✓	✓	nv	✓	✓	✓	✓
Cedillo	nv	nv	✓	✓	nv	nv	✓	Blakeslee	X	X	✓	X	✓	✓	✓	Matthews	✓	✓	X	✓	✓	✓	✓
Chesbro	✓	✓	nv	✓	✓	✓	✓	Bogh	X	X	X	X	✓	✓	X	Maze	X	X	X	X	✓	✓	X
Cox	X	X	X	X	✓	✓	X	Calderon	✓	✓	X	✓	✓	✓	✓	McCarthy	X	X	X	X	✓	✓	X
Denham	X	X	✓	X	✓	✓	X	Canciamilla	✓	✓	X	✓	✓	✓	✓	Montanez	✓	✓	✓	✓	✓	✓	✓
Ducheny	✓	✓	nv	✓	✓	✓	nv	Chan	✓	✓	✓	✓	✓	✓	✓	Mountjoy	X	X	X	✓	✓	✓	X
Dunn	X	✓	✓	✓	✓	✓	✓	Chavez	✓	✓	✓	✓	✓	✓	✓	Mullin	✓	✓	✓	nv	✓	✓	✓
Dutton	X	X	X	X	✓	✓	X	Chu	✓	✓	✓	✓	✓	✓	✓	Nakanishi	X	X	nv	X	✓	✓	X
Escutia	X	✓	✓	✓	✓	✓	✓	Cogdill	X	X	X	✓	✓	✓	X	Nation	✓	✓	✓	nv	✓	nv	✓
Figuroa	✓	✓	✓	✓	✓	✓	✓	Cohn	✓	✓	✓	✓	✓	✓	✓	Nava	✓	✓	✓	✓	✓	nv	✓
Florez	✓	✓	✓	✓	✓	✓	✓	Coto	✓	✓	✓	✓	✓	✓	✓	Negrete McLeod	✓	✓	X	✓	✓	✓	✓
Harman*	X	X	X	X	✓	✓	nv	Daucher	X	X	X	X	✓	✓	✓	Niello	X	X	X	✓	✓	✓	X
Hollingsworth	X	X	X	X	nv	✓	X	De La Torre	✓	✓	✓	✓	✓	✓	✓	Nunez	✓	✓	✓	✓	✓	nv	✓
Kehoe	✓	✓	✓	nv	✓	✓	nv	DeVorre	X	X	X	X	✓	✓	X	Oropeza	✓	✓	✓	✓	✓	✓	✓
Kuehl	✓	✓	✓	✓	✓	✓	✓	Dymally	✓	✓	✓	✓	✓	✓	✓	Parra	✓	✓	X	✓	✓	✓	✓
Lowenthal	✓	✓	✓	✓	✓	✓	✓	Emmerson	X	X	X	X	✓	✓	X	Pavley	✓	✓	✓	✓	✓	✓	✓
Machado	X	nv	X	✓	nv	✓	nv	Evans	✓	✓	✓	✓	✓	✓	✓	Plescia	X	X	X	✓	✓	✓	X
Maldonado	X	X	✓	X	✓	✓	nv	Frommer	✓	✓	✓	✓	✓	✓	✓	Richman	X	X	X	✓	✓	nv	✓
Margett	nv	nv	X	X	✓	✓	X	Garcia	X	X	X	X	✓	✓	✓	Ridley-Thomas	✓	✓	✓	✓	✓	✓	✓
McClintock	X	X	X	X	✓	✓	X	Goldberg	✓	✓	✓	✓	✓	nv	✓	Runner, S	nv	X	X	✓	✓	✓	X
Migden	✓	✓	✓	✓	✓	✓	✓	Hancock	✓	✓	✓	✓	✓	nv	✓	Ruskin	✓	✓	✓	✓	✓	✓	✓
Morrow	X	X	X	X	nv	✓	X	Harman*	nv	nv	nv	nv	nv	✓	nv	Saldana	✓	✓	✓	✓	✓	✓	✓
Murray	✓	✓	✓	nv	✓	✓	nv	Haynes	X	X	X	X	X	✓	X	Salinas	✓	✓	nv	✓	✓	nv	✓
Ortiz	✓	✓	✓	✓	✓	✓	✓	J. Horton	✓	✓	nv	✓	✓	nv	✓	Spitzer	X	X	X	X	✓	✓	✓
Perata	✓	✓	✓	✓	nv	✓	✓	S. Horton	X	X	X	X	✓	✓	✓	Strickland	X	X	X	✓	✓	✓	X
Poochigian	X	nv	X	X	✓	✓	X	Houston	X	X	X	✓	✓	✓	X	Torrico	✓	✓	✓	✓	✓	✓	✓
Romero	✓	✓	✓	✓	nv	✓	✓	Huff	X	X	X	X	✓	✓	X	Tran	X	X	X	✓	✓	✓	X
Runner, G	X	X	X	X	✓	✓	X	Jones	✓	✓	✓	✓	✓	✓	✓	Umberg	✓	✓	✓	✓	✓	✓	✓
Scott	✓	✓	✓	✓	✓	✓	✓	Karnette	✓	✓	✓	✓	✓	✓	✓	Vargas	✓	✓	✓	✓	✓	✓	✓
Simitian	✓	✓	✓	✓	✓	✓	✓	Keene	X	X	X	X	✓	✓	X	Villines	X	X	X	✓	✓	✓	X
Soto	✓	nv	✓	✓	✓	✓	✓	Klehs	✓	✓	✓	✓	✓	✓	✓	Walters	X	X	X	X	✓	✓	X
Speier	X	✓	nv	✓	✓	✓	✓	Koretz	✓	✓	✓	✓	✓	✓	✓	Wolk	✓	✓	nv	✓	✓	nv	✓
Torlakson	✓	✓	✓	✓	✓	✓	✓	La Malfa	X	X	X	X	✓	✓	X	Wyland	X	X	X	✓	✓	✓	X
Vincent	✓	✓	✓	✓	✓	✓	✓	Le Suer	X	X	X	X	✓	✓	X	Yee	✓	✓	✓	✓	✓	✓	✓

✓ = A vote in favor of tobacco-related legislation, X = a vote against, and nv = not voting. All votes represented above are final legislative floor votes.

\* Asm. Tom Harman was elected to fill John Campbell's seat in the California State Senate on June 6, 2006. He participated, therefore, in votes as a Senator and Assemblymember.