

## Tobacco Legislative Vote Record 2005 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.

Below is a summary of each bill, its status at the end of the legislative session and the position taken by major California tobacco control organizations. The American Lung Association of California, the American Heart Association, and the American Cancer Society, represent the tobacco control position. The Vote Chart itself follows this summary of bills. A check mark (✓) on the vote chart indicates a vote consistent with the position of those tobacco control organizations, and an (X) indicates a vote against the tobacco control position.

### Bill Summary

#### **AB 178 – Fire-Safe Cigarettes (Chapter 633, Statutes of 2005)**

Assembly Bill 178 prohibits the in-state sale, manufacture or distribution of cigarettes that are not fire-safe. Manufacturers are required to certify that their cigarettes self-extinguish at least 75 percent of the time when tested in accordance with methods established by the American Society of Testing and Materials. Cigarette manufacturers are required to mark packages sold in California to show compliance with these provisions. The state of New York has a similar law currently in effect.

Status: AB 178 was signed into law by the governor and its provisions go into effect January 1, 2007.

Position of Tobacco Control Organizations: Support. (The American Cancer Society took no position on this bill.)

#### **AB 616 – Smokefree Patios and Courtyards**

Assembly Bill 616 (Vargas, D – San Diego) would prohibit a public employee or member of the public from smoking in an outdoor area (patio, courtyard, etc.) of a state-owned or leased building that is enclosed on four sides.

Status: This bill passed the Assembly but was never assigned to a committee in the Senate. This is a two-year bill that could be acted upon in 2006.

Position of Tobacco Control Organizations: Support. (The American Cancer Society took no position on this bill.)

### **AB 1612 – Cigarette Litter Mitigation Fee**

Assembly Bill 1612 (Pavley, D – Agoura Hills) would require cigarette manufacturers to pay a fee to offset the costs associated with cigarette litter clean up and the mitigation of cigarette related pollution, as well as costs associated with smoking cessation, public education, outreach, media advertising, and community intervention programs.

Status: AB 1612 passed the Natural Resources and Revenue and Taxation Committees, but was held in Assembly Appropriations. This is a two-year bill that could be acted upon in 2006.

Position of Tobacco Control Organizations: Support.

### **SB 400 – Tobacco Retail Licensing**

Senate Bill 400 (Kuehl, D – Santa Monica) would strengthen the sales to minors provisions of the state's tobacco licensing program. Under current law, retailers are only penalized for violating the STAKE Act or PC 308 when the statewide sales to minors rate is 13 percent or greater. This bill would have made any conviction for a violation of the STAKE Act or the Penal Code grounds for suspension or revocation of a license to sell cigarettes and tobacco products.

Status: SB 400 passed the Senate Health Committee but was held in Senate Appropriations. This is a two-year bill that could be acted upon in 2006.

Position of Tobacco Control Organizations: Support.

### **SB 564 – Tobacco Tax**

Senate Bill 564 (Torlakson, D – Antioch) would impose an additional \$1.00 cigarette tax with new revenues to support research, prevention and treatment of pediatric diseases, children's health programs, and tobacco prevention and control programs. The bill includes a backfill for Proposition 99, the Breast Cancer Fund and the Prop. 10 California Children and Families trust fund.

Status: SB 564 passed the Senate Health Committee in 2005. This is a two-year bill that could be acted upon in 2006.

Position of Tobacco Control Organizations: Support.

### **SB 576 – Health Insurance Coverage for Cessation Programs**

Senate Bill 576 (Ortiz, D – Sacramento) would have required all health insurance and health care service plans that provide outpatient prescription drug benefits to also provide tobacco cessation services. The bill was amended to include a recipient co-payment of up to \$15.

Status: Governor Schwarzenegger vetoed SB 576. His veto message is available at:

[http://www.governor.ca.gov/govsite/pdf/vetoes\\_2005/SB\\_576\\_veto.pdf](http://www.governor.ca.gov/govsite/pdf/vetoes_2005/SB_576_veto.pdf)

Position of Tobacco Control Organizations: Support.

### **SB 942 – Litter Mitigation Fees**

Senate Bill 942 (Chesbro, D – Arcata) would require cigarette manufacturers to pay a fee to offset the costs associated with litter clean up and the mitigation of cigarette related pollution. The fee would also be used to fund smoking cessation services, public education, outreach, media advertising, and community intervention programs. The exact amount of the fee has not been set.

Status: SB 942 passed the Senate Health and Environmental Quality Committees, but was held in Senate Appropriations. This is a two-year bill that could be acted upon in 2006.

Position of Tobacco Control Organizations: Support.

*The Center for Tobacco Policy and Organizing is a project of the American Lung Association of California. The Center is funded by a grant from the California Department of Health Services, Proposition 99 Tobacco Tax. For more information, contact Meredith Nixon at (916) 442-4299, ext. 13 or at [mnixon@alac.org](mailto:mnixon@alac.org).*

## Vote Chart on Tobacco-Related Bills 2005 California Legislative Session

SENATE						ASSEMBLY									
Senate Member	AB 178	SB 400*	SB 564*	SB 576	SB 942*	Assembly Members	AB 178	AB 616	AB 1612*	SB 576	Assembly Members	AB 178	AB 616	AB 1612*	SB 576
Aanestad	X	X	nv	X	X	Aghazarian	X	X		X	Laird	✓	✓	✓	✓
Ackerman	X			X		Arambula	X	X		✓	Leno	✓	nv		✓
Alarcon	✓			✓		Baca	X	✓		✓	Leslie	X	X		X
Alquist	✓	✓	✓	nv	✓	Bass	✓	✓		✓	Levine	✓	✓		✓
Ashburn	X			X		Benoit	X	X		X	Lieber	✓	✓		✓
Battin	nv			X		Berg	✓	nv		✓	Lieu **				
Bowen	nv			✓		Bermudez	✓	✓		✓	Liu	✓	✓		✓
Campbell	X			X	X	Blakeslee	✓	X		✓	Matthews	✓	✓		X
Cedillo	✓			✓		Bogh	X	X		X	Maze	X	X		X
Chesbro	✓	✓	✓	✓	✓	Calderon	✓	✓		X	McCarthy	X	X		X
Cox	X	X	nv	X	X	Canciamilla	✓	X	nv	✓	Montanez	✓	✓		✓
Denham	nv			X		Chan	✓	✓		✓	Mountjoy	X	X		X
Ducheny	nv			✓		Chavez	✓	✓		X	Mullin	✓	✓		✓
Dunn	✓			✓		Chu	✓	✓	✓	✓	Nakanishi	X	X		X
Dutton	X			X		Cogdill	X	X		X	Nation	✓	✓		X
Escutia	✓			✓	✓	Cohn	✓	✓		✓	Nava	✓	✓	✓	✓
Figueroa	✓	✓	✓	✓	✓	Coto	✓	✓		nv	Negrete McLeod	✓	✓		✓
Florez	✓			✓		Daucher	X	X		X	Niello	X	X		X
Hollingsworth	X			X		De La Torre	✓	✓		✓	Nunez	✓	✓		✓
Kehoe	✓			✓		DeVorre	X	X	X	X	Oropeza	✓	nv		✓
Kuehl	✓	✓	✓	✓	✓	Dymally	✓	✓		✓	Parra	✓	✓		✓
Lowenthal	✓			✓	✓	Emmerson	X	X		X	Pavley	✓	✓	✓	✓
Machado	✓			X		Evans	✓	✓		✓	Plescia	X	X		X
Maldonado	nv	✓	nv	✓	X	Frommer	✓	✓		✓	Richman	X	X		X
Margett	X			X		Garcia	X	X		X	Ridley-Thomas	✓	✓		✓
McClintock	X			X		Goldberg	✓	✓		✓	Runner, S	X	X		X
Migden	✓			✓		Hancock	✓	✓	✓	✓	Ruskin	✓	✓		✓
Morrow	X			X		Harman	X	X	X	X	Saldana	✓	✓	✓	✓
Murray	nv			✓		Haynes	X	X		X	Salinas	✓	✓		✓
Ortiz	✓	✓	✓	✓	✓	J. Horton	✓	✓		✓	Spitzer	X	X		X
Perata	✓			✓		S. Horton	X	X		X	Strickland	X	X		X
Poohigian	X			X		Houston	X	X		X	Torrico	✓	✓		nv
Romero	✓	✓	✓	✓	✓	Huff	X	X		X	Tran	X	X		X
Runner, G	nv	X	X	X	X	Jones	✓	✓	✓	✓	Umberg	✓	✓		✓
Scott	nv			nv		Karnette	✓	✓		✓	Vargas	✓	✓		✓
Simitian	✓			✓	✓	Keene	X	X	X	X	Villines	X	X		X
Soto	✓			✓		Klehs	✓	✓	✓	✓	Walters	X	X	X	X
Speier	✓			✓		Koretz	✓	✓	✓	✓	Wolk	✓	nv	✓	✓
Torlakson	✓			✓		La Malfa	X	X	X	X	Wyland	X	X		X
Vincent	✓	✓	nv	✓	✓	Le Suer	X	X		X	Yee	✓	✓		✓

✓ = A vote in favor of tobacco control organizations' position, x = a vote against, and nv = not voting

\* = Committee Votes. These bills did not make it far enough in the process to be voted on by either the full Assembly or Senate.

\*\*Assemblymember Ted Lieu was elected in September 2005 after the end of the legislative session to fill the vacancy left by the death of Asm. Mike Gordor.