

Tobacco Legislative Vote Record 2004 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 health advocates and the public. The Tobacco Legislative Vote Record is designed to provide a snapshot view of the California Legislature and its voting pattern on key tobacco legislation as well as to show individual votes of each Assembly member and State Senator on the most significant tobacco-related bills introduced during the 2004 legislative session. In addition to the annual vote record, the Center provides information throughout the year on how legislators voted on key tobacco-related legislation.

An explanation of each bill, its status at the end of the session and the position taken by tobacco control organizations are included to provide a context for the votes. The American Lung Association of California, the American Heart Association, and the American Cancer Society, represent the tobacco control position. A check mark (✓) indicates a vote consistent with the position of those tobacco control organizations that took a position on the bill, and an (X) indicates a vote against the tobacco control position.

Bill Summary

Bills that Became Law

AB 384 – Prohibition on Smoking in State Prisons (Chapter 798, Statutes of 2004)

Assembly Bill 384 (Leslie, R-Tahoe City) prohibits the possession of tobacco products by inmates in state prisons and California Youth Authority (CYA) facilities. The law also prohibits the use of tobacco products by any person (staff, visitor, etc.) on the grounds of these facilities except in residential staff housing where inmates are not present.

✓ Position of Tobacco Control Organizations: **No Position.** Because no position was taken, votes on this bill are not included in the attached vote chart.

AB 3092 – STAKE Act Signage: Fine Increase (Chapter 822, Statutes of 2004)

Assembly Bill 3092 (J. Horton, D-Inglewood) increases the fines under Penal Code 308 for failure to post a STAKE Act sign. Fines are increased from \$10 for the first violation and \$50 for each subsequent violation to \$50 for the first violation, \$100 for the second violation, \$250 for the third violation and \$500 for the fourth and each subsequent violation.

✓ Position of Tobacco Control Organizations: **No Position.** Because no position was taken, votes on this bill are not included in the attached vote chart.

SB 1173 – Ban on Self Service Sales of Cigars, Pipes, Smokeless, etc. (Chapter 812, Statutes of 2004)

Senate Bill 1173 (Ortiz, D Sacramento) broadens the previously existing state ban on self-service displays of cigarettes to a ban on self-service displays of all other tobacco products and tobacco paraphernalia. The law contains an exception for the self-service display and sale of non-cigarette tobacco in tobacco

stores. Tobacco stores are defined as those stores that generate 60 percent or more of its gross annual revenues from the sale of tobacco products or tobacco paraphernalia.

✓ Position of Tobacco Control Organizations: **Support.**

Bills Receiving One Floor Vote

AB 894 – Restrictions on Smoking in Cars with Young Children

Assembly Bill 894 (Firebaugh, D – Los Angeles) would have made it an infraction for a person to smoke in a vehicle in which a young child is present. Children who are required to ride in a child safety seat (six years or sixty pounds) were protected. (See related bill -- AB 2997).

✓ Position of Tobacco Control Organizations: **Support.**

AB 1583 – Smoking Ban on State Beaches

Assembly Bill 1583 (Koretz, D-West Hollywood) would have prohibited smoking on all state beaches under the jurisdiction of the State Department of Parks and Recreation, with some exceptions allowing for local municipal control. The bill would have made it an infraction for a person to smoke on a state coastal beach, however, cities or counties could pass ordinances further restricting, weakening or opting out of the state policy.

✓ Position of Tobacco Control Organizations: **Support.**

AB 2997 – Restrictions on Smoking in Cars with Young Children

Assembly Bill 2997 (Firebaugh, D – Los Angeles) would have made it an infraction for a person to smoke in a vehicle in which a young child is present. Children who are required to ride in a child safety seat (six years or sixty pounds) were protected. (See related bill - AB 894).

✓ Position of Tobacco Control Organizations: **Support.**

SB 676 – Cigarette Manufacturer Fees

Senate Bill 676 (Ortiz, D - Sacramento) would have imposed an annual fee on non-participating manufacturers (tobacco product manufacturers that did not participate in the MSA agreement) to compensate the state for costs associated with tobacco related illnesses and disease.

✓ Position of Tobacco Control Organizations: **Support.**

Bills That Died In Committee

AB 1808 – Smoke-Free Beach Information Campaign

Assembly Bill 1808 (Yee, D-San Francisco) would have required the Department of Health Services to conduct a public education program regarding the impacts of environmental tobacco smoke and secondhand smoke exposure in outdoor areas, particularly at beaches.

✓ Position of Tobacco Control Organizations: **Support.**

AB 2443 – STAKE Act Fines and Local Enforcement

Assembly Bill 2443 (Daucher, R - Brea) would have amended the Stop Tobacco Access to Kids Enforcement (STAKE) Act to increase the fines imposed on violators and allow local law enforcement agencies to conduct enforcement without a contract from the Department of Health Services. The bill would have increase the fines established in both the STAKE Act and in Penal Code 308 for not posting a STAKE Act Sign at each point of purchase.

✓ Position of Tobacco Control Organizations: **Support.**

AB 2694 – Increased Fines for Cigarette Littering

Assembly Bill 2694 (Bough, R – Cherry Valley) would have increased the range of fines established in current law for discarding a cigarette, cigar, match, or any flaming or glowing substance.

✓ 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.

Vote Chart on Tobacco-Related Bills 2004 California Legislative Session

SENATE

ASSEMBLY

Senate Member	AB 894	AB 1583	SB 676	SB 1173	AB 1808*	Assembly Members	AB 2443*	AB 2694*	AB 2997	SB 1173	Assembly Members	AB 2443*	AB 2694*	AB 2997	SB 1173
Aanestad	X	X	X	X	X	Aghazarian			X	X	Leslie			X	X
Ackerman	X	X	X	X		Bates**			X	X	Levine	nV		✓	✓
Alarcon	✓	✓	✓	✓	✓	Benoit			X	X	Lieber			✓	✓
Alpert**	X	✓	✓	✓	nV	Berg			✓	✓	Liu			nV	✓
Ashburn	X	X	X	X	X	Bermudez	nV		nV	✓	Longville**	nV		nV	✓
Battin	X	X	X	X	X	Bogh		✓	X	X	Lowenthal**			✓	✓
Bowen	✓	✓	✓	✓	✓	Calderon	nV		nV	✓	Maddox**	✓		nV	nV
Brulte**	X	X	nV	X		Campbell			X	nV	Maldonado**			✓	✓
Burton**	nV	✓	✓	✓	✓	Canciamilla	X		X	✓	Matthews			X	✓
Cedillo	✓	✓	✓	✓		Chan			✓	✓	Maze			X	X
Chesbro	✓	✓	✓	✓	✓	Chavez	X		nV	✓	McCarthy			X	X
Denham	✓	X	X	X		Chu			✓	✓	Montanez			✓	✓
Ducheny	nV	X	nV	nV		Cogdill			X	X	Mountjoy	nV		X	X
Dunn	✓	✓	✓	✓		Cohn			nV	nV	Mullin			✓	✓
Escutia	✓	✓	✓	✓	✓	Corbett**	nV		✓	✓	Nakanishi			X	nV
Figueroa	nV	✓	✓	✓	✓	Correa**			✓	✓	Nakano**			✓	✓
Florez	✓	✓	✓	✓	nV	Cox**			X	X	Nation			✓	✓
Hollingsworth	X	X	X	X		Daucher			X	nV	Negrete McLeod	nV		nV	✓
Johnson**	X	X	X	nV	X	Diaz			nV	nV	Nunez	✓			✓
Karnette**	✓	✓	✓	✓	✓	Dutra**	nV		✓	✓	Oropeza	nV		✓	✓
Knight**			X			Dutton			X	X	Pacheco**			X	X
Kuehl	✓	✓	✓	✓	✓	Dymally	nV	X	✓	✓	Parra			X	✓
Machado	nV	X	nV	✓	✓	Firebaugh**	nV		✓	✓	Pavely			✓	✓
Margett	X	X	nV	nV		Frommer	X		nV	nV	Plescia	✓		X	X
McClintock	X	X	X	X		Garcia			✓	✓	Reyes**			✓	✓
McPherson**	nV	X	X	nV		Goldberg		X	✓	✓	Richman			X	X
Morrow	X	X	X	nV		Hancock			✓	✓	Ridley-Thomas			✓	✓
Murray	✓	X	✓	✓	nV	Harman	nV		X	X	Runner			X	X
Oller	X	X	X	X		Haynes			X	X	Salinas			✓	✓
Ortiz	✓	✓	✓	✓	✓	J. Horton	X		✓	✓	Samuelian			X	X
Perata	✓	✓	✓	✓		S. Horton			✓	✓	Simitian			✓	✓
Poochigian	X	X	X	X	X	Houston			X	X	Spitzer			nV	X
Romero	✓	✓	✓	✓	✓	Jackson**			nV	✓	Steinberg**			✓	✓
Scott	✓	nV	✓	✓		Keene			X	X	Strickland**			X	X
Sher**	✓	✓	✓	✓		Kehoe			✓	✓	Vargas			✓	✓
Soto	✓	✓	nV	✓		Koretz			✓	✓	Wesson**	nV		nV	✓
Speier	✓	nV	✓	✓	✓	Laird			✓	✓	Wiggings**	nV		✓	✓
Torlakson	✓	✓	✓	✓		La Malfa	nV		X	X	Wolk			✓	✓
Vasconcellos**	✓	✓	✓	✓	✓	La Suer	nV	✓	X	X	Wyland	nV		X	X
Vincent	✓	nV	✓	nV	nV	Leno		X	✓	✓	Yee	X		✓	✓

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

*The votes displayed were taken in committee. These bills did not make it far enough in the process to be voted on by either the full Assembly or Senate.

** These members have been termed out of office.