

## **Tobacco Legislative Vote Record 2003 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 history 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 2003 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, Western States Affiliate, and the American Cancer Society, California Division 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.

### **Bills That Became Law in 2003**

#### **Tobacco Licensing- AB 71 (Chapter 890, Statutes of 2003)**

Assembly Bill 71 (J. Horton, D-Inglewood) establishes a statewide licensing program for tobacco retailers, wholesalers, distributors, manufacturers and importers, to be administered by the state Board of Equalization (BOE). The main focus of AB 71 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. However, the bill also includes a "trigger" that would make convictions under state laws prohibiting selling tobacco to minors a violation of the state tobacco license *only* when the state's illegal sales to minors rate exceeds 13 percent as determined by the Department of Health Services annual Statewide Youth Tobacco Purchase Survey. Under these sales to minors provisions, a license would only be suspended after the fourth conviction in 12 months and revoked only after the eighth conviction within 24 months. The fee on retailers is a one time only \$100 fee. The bill includes strong anti-preemption language, which allows cities and counties to pass stronger local ordinances that can do much more to combat illegal tobacco sales to minors.

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

#### **Smoke-Free Entryways of Public Buildings – AB 846 (Chapter 342, Statutes of 2003)**

Assembly Bill 846 (Vargas, D – San Diego) prohibits smoking within 20 feet of main entrances, exits and operable windows of all city, county and state buildings in California, as well as buildings on the campuses of the University of California, California State University and California Community Colleges. The bill did not include funding for enforcement, education or signage. AB 846 includes anti-preemption language that specifies that cities, counties, universities and college campuses may adopt and enforce more restrictive smoking and tobacco control ordinances, regulations, or policies, than provided in the bill.

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

#### **Internet Tobacco Sales - SB 1016 (Chapter 603, Statutes of 2003)**

Senate Bill 1016 (Bowen, D – Marina del Rey) requires that all cigarette sales either be vendor-assisted, face-to-face sales or comply with the provisions of the federal Jenkins Act. The Jenkins Act requires dealers who ship cigarettes across state lines to file with each state a copy of all invoices for shipments of cigarettes made during the previous month into that state. The bill also requires that non-face-to-face sellers either pay all applicable state taxes due on each shipment or include a prominent notice on the package indicating that the purchaser is responsible for any applicable taxes.

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

### **Bills Receiving One Floor Vote**

#### **Multi-Year Spending Authority – SB 858**

SB 858 (Ortiz, D – Sacramento) would have permanently codified the Department of Health Services' and the California Department of Education's authority to "roll-over" unexpended funds in certain budgeted line items funded by Proposition 99 for two fiscal years beyond the original appropriation thereby allowing for more flexibility in the expenditure of funds. These line items include the media campaign program, the evaluation program, the competitive grant program, the local lead agency program, and the Department of Education's tobacco use prevention program. SB 858 passed the Senate but was later amended, changing its purpose to a bill to establish a state Department of Public Health. The establishment of the "roll-over" authority was incorporated into a budget trailer bill (AB 1762), which passed and was signed into law.

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

### **Bills That Died in Committee**

#### **Prohibition on Free Distribution of Tobacco Products – AB 1033**

AB 1033 (Montanez, D – San Fernando) would prohibit the non-sale distribution of tobacco products in any public or private venue, through the mail, or through any other means. AB 1033 was voted on and passed out of the Assembly Committee on Governmental Organization but was not taken up in the Assembly Appropriations Committee. Since AB 1033 failed to pass out of the Appropriations committee pursuant to legislative deadlines, it is considered dead.

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

#### **Local Authority to Tax Tobacco Products - AB 1040**

AB 1040 (Leno, D – San Francisco) would provide counties the authority to enact tobacco taxes by a vote of the people. The bill also stipulates that 20 percent of any tobacco tax enacted at the county level must be dedicated to tobacco control programs. As with any new tax or tax increase, a local tobacco tax would have to be approved through a two-thirds vote of the people. AB 1040 failed passage in its first committee, Assembly Committee on Governmental Organization. Since AB 1040 failed to pass out of the Assembly Committee on Governmental Organization pursuant to legislative deadlines, it is considered dead.

✓ **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 2003 California Legislative Session

SENATE					ASSEMBLY											
Senate Member	AB 71	AB 846	SB 858	SB 1016	Assembly Members	AB 71	AB 846	SB 1016	AB 1033*	AB 1040*	Assembly Members	AB 71	AB 846	SB 1016	AB 1033*	AB 1040*
Aanestad	✓	nV	✓	X	Aghazarian	✓	X	X			Leslie	nV	X	X		
Ackerman	X	X	✓	X	Bates	✓	X	X			Levine	X	✓	✓	nV	nV
Alarcon	X	✓	✓	✓	Benoit	nV	X	X			Lieber	X	✓	✓		
Alpert	X	✓	✓	✓	Berg	X	nV	✓			Liu	X	✓	✓	✓	nV
Ashburn	✓	X	✓	X	Bermudez	X	✓	✓	✓	X	Longville	X	✓	✓	✓	nV
Battin	nV	X	✓	X	Bogh	✓	X	X			Lowenthal	X	✓	✓		
Bowen	X	✓	✓	✓	Calderon	X	✓	✓	✓	nV	Maddox	✓	nV	X	nV	X
Brulte	✓	X	✓	X	Campbell	nV	✓	X			Maldonado	✓	✓	✓		
Burton	X	✓	✓	✓	Canciamilla	X	X	✓	nV	X	Matthews	nV	✓	✓		
Cedillo	X	✓	✓	✓	Chan	nV	✓	✓			Maze	✓	X	X		
Chesbro	X	✓	✓	✓	Chavez	X	✓	✓	✓	nV	McCarthy	X	X	X	X	X
Denham	✓	X	✓	X	Chu	X	✓	✓			Montanez	X	✓	✓		
Ducheny	X	nV	✓	✓	Cogdill	nV	X	X			Mountjoy	✓	X	X		
Dunn	X	✓	✓	✓	Cohn	X	✓	✓	✓	nV	Mullin	X	✓	✓		
Escutia	X	✓	nV	✓	Corbett	nV	✓	✓	✓	nV	Nakanishi	✓	X	X		
Figueroa	X	✓	✓	✓	Correa	X	✓	✓			Nakano	X	✓	✓		
Florez	nV	nV	✓	✓	Cox	X	X	X			Nation	X	✓	✓		
Hollingsworth	✓	X	✓	X	Daucher	X	X	X			Negrete McLeod	nV	✓	✓	✓	nV
Johnson	nV	nV	✓	X	Diaz	X	✓	✓			Nunez	X	✓	✓	✓	nV
Karnette	X	✓	✓	✓	Dutra	X	✓	✓			Oropeza	X	✓	✓	✓	nV
Knight	X	X	✓	X	Dutton	✓	X	X			Pacheco	✓	nV	X		
Kuehl	X	✓	✓	✓	Dymally	X	✓	✓	✓	✓	Parra	X	✓	✓		
Machado	X	nV	✓	✓	Firebaugh	nV	✓	nV	✓	✓	Pavely	X	✓	✓		
Margett	✓	X	✓	X	Frommer	X	✓	✓	nV	nV	Plescia	X	X	X		
McClintock	✓	X	✓	X	Garcia	✓	nV	X			Reyes	X	✓	✓	✓	✓
McPherson	X	X	✓	✓	Goldberg	X	✓	✓			Richman	X	X	X		
Morrow	✓	X	✓	X	Hancock	X	✓	✓			Ridley-Thomas	X	✓	✓		
Murray	nV	✓	✓	✓	Harman	X	X	X	✓	X	Runner	X	X	X		
Oller	✓	X	✓	X	Haynes	✓	X	X			Salinas	X	✓	✓		
Ortiz	X	✓	✓	✓	J. Horton	X	✓	✓	✓	nV	Samuelian	✓	X	X	X	X
Perata	X	✓	✓	✓	S. Horton	✓	✓	X			Simitian	X	✓	✓		
Poohigian	nV	X	✓	X	Houston	nV	✓	X			Spitzer	X	nV	X		
Romero	X	✓	nV	✓	Jackson	X	✓	✓			Steinberg	X	✓	✓		
Scott	X	✓	✓	✓	Keene	nV	X	X			Strickland	nV	X	X	X	X
Sher	X	✓	✓	✓	Kehoe	X	✓	✓			Vargas	X	✓	✓		
Soto	X	✓	✓	✓	Koretz	X	✓	✓			Wesson	X	✓	✓		
Speier	X	✓	A	✓	Laird	X	✓	✓			Wiggings	X	✓	✓	✓	✓
Torlakson	X	✓	✓	✓	La Malfa	✓	X	X			Wolk	X	✓	✓		
Vasconcellos	X	nV	✓	nV	La Suer	nV	X	X	X	nV	Wyland	nV	X	X	X	X
Vincent	X	✓	✓	✓	Leno	X	✓	✓			Yee	X	✓	✓	✓	X

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

\* These bill were only heard in the Assembly Committee on Governmental Organization and did not receive a floor vote. Therefore, only the votes of legislators that serve in the Committee on Governmental Organization are displayed.