

Legislative Update

April 16, 2007

Out of the thirteen tobacco-related bills introduced for the 2007-2008 session, three have been recently amended with a significant impact on the content of the bill. This legislative update provides a new summary of these bills.

SB 24 (Torlakson – D, Antioch) Environmental Tobacco Smoke Mitigation Fee

SB 24 was amended on April 9 to establish a secondhand smoke emissions fee on cigarettes and cigars. This bill would authorize the State Board of Equalization to collect a fee from consumers of cigars and cigarettes to mitigate the harmful effects of environmental tobacco smoke (ETS). Specific fee amounts would be established by the Department of Public Health per cigar and cigarette based on the amount of ETS created by their usage and its relation to the total environmental problem created by smoking cigars and cigarettes. The fee would be collected by retailers at the time of purchase.

Revenues from this fee would go into the newly created Cigarette and Tobacco Products Emissions Fund. These monies would be available to the Department of Public Health, after appropriation by the legislature, to be used for (1) a study on the health impacts of ETS on smokers and nonsmokers; (2) providing no-cost access to cessation services; (3) providing education and information to schools, community organizations and local agencies about health impacts of ETS and cessation programs; (4) research efforts on the prevention, causes and treatment of ETS related disease; (5) producing an ongoing public awareness campaign about ETS related diseases and the impact of ETS on children; (6) funding health programs at schools to combat the impact of ETS on children; and (7) producing an annual report to the legislature on the effectiveness of these programs.

SB 624 (Padilla – D, Pacoima) STAKE Act Enforcement

SB 624 was amended on March 29 to allow for additional local enforcement of the Stop Tobacco Access to Kids Enforcement (STAKE) Act. The bill would allow local enforcement agencies to conduct random inspections using minors and to assess penalties to ensure retailer compliance with the STAKE Act without having to enter into an enforcement delegation contract with Department of Public Health as they are currently required to do.

This legislation would also raise the civil penalties for selling or giving tobacco to anyone under the age of 18 and authorize civil penalties against individuals or businesses that engage in tobacco retailing and do not appropriately post the required notice about not selling tobacco to minors. Finally, this bill would require that any civil penalties over \$300,000 collected in one year under this act would be deposited into the Sale of Tobacco to Minors Control Account and not the general fund as under current law.

SB 625 (Padilla – D, Pacoima) Tobacco Product Retailers License

The bill was amended on March 27 to authorize a \$100 reinstatement fee as a precondition for reinstatement of an expired state tobacco retailer license. This fee would not apply to the annual renewal application for state tobacco product retailer licenses, but only the licenses that actually expire and must be reinstated.

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If you have questions about this analysis, please contact The Center's Policy Coordinator, Justin Garrett, at (916) 442-4299, ext. 233 or jgarrett@alac.org or Paul Knepprath, Vice President, Government Relations, American Lung Association of California, at (916) 442-4446, ext. 224 or pknepprath@alac.org.

Sources: Copies of the legislation outlined above may be obtained at <http://www.leginfo.ca.gov>.