

## **Legislative Update**

January 24, 2007

The 2007-08 California Legislative session commenced December 4, 2006 for the first year of a two year session. Already three tobacco related bills have been introduced. It is expected that there will be additional bills submitted dealing with tobacco before the deadline for introduction of new bills, February 23. Brief summaries of the three bills relevant to the tobacco control community are provided below.

### **SB 4 (Oropeza – D, Carson) Prohibiting Smoking at State Beaches and Parks**

Senate Bill 4 would prohibit smoking within the state park system or at a state coastal beach. The fine for individuals committing this infraction would be \$250. This prohibition on smoking does not apply to adjacent parking areas. At this time, SB 4 does not designate an enforcement agency, nor does it require signage. Rather, the bill states that the Department of Parks and Recreation or another relevant agency may provide signage, but only when existing signs need to be replaced.

### **SB 7 (Oropeza – D, Carson) Prohibiting Smoking in Cars with Minors**

Senate Bill 7, known as the Marco Firebaugh Memorial Children's Health and Safety Act of 2007, would prohibit smoking in a motor vehicle, regardless of whether the vehicle is stationary or moving, in which a minor is present. Violations would be punishable by a fine of up to \$100. This bill is similar to legislation from last year's legislative session, AB 379 by Former Assemblymember Koretz, that passed the Senate but failed in the Assembly. The notable difference is that SB 7 would extend the smoking prohibition to include when all minor children (seventeen years and younger) are present, not just those required to ride in child safety seats (six years or 60 pounds).

This bill would require the State Department of Health Services to implement a public education program regarding the dangers of secondhand smoke in confined spaces and, if funds are available, make the public aware of the provisions in the bill. The new provisions of this bill would be displayed in the California Driver's Handbook and included when vehicle registration renewals are mailed.

### **SB 24 (Torlakson – D, Antioch) Tobacco Tax Increase**

Senate Bill 24 would increase California's tobacco tax by an additional \$1.90/pack, pushing the state tax to a total of \$2.77/pack. The new tax would go into effect on January 1, 2008 and would make California's tobacco tax the highest in the country. (Currently, New Jersey has the highest state tobacco tax at \$2.575/pack, and the highest state-local tobacco tax is \$3.66/pack in Chicago.)

Revenues generated from this tax would go into the state General Fund to be used for children's health related purposes and smoking cessation programs, as determined and appropriated by the state Legislature. Because this bill would increase state taxes, SB 24 must be approved by a 2/3 vote in both the Senate and Assembly houses of the Legislature. As currently written, this bill contains no provisions to backfill other tobacco tax funded programs.

**Center for Tobacco Policy & Organizing, January 24, 2007**

*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](mailto: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](mailto:pknepprath@alac.org).*

*Sources: Copies of the legislation outlined above may be obtained at <http://www.leginfo.ca.gov>. American Lung Association SLATI (State Legislated Actions on Tobacco Issues) at <http://slati.lungusa.org/>.*