

Legislative Update

May 8, 2007

This legislative update provides a status update on all thirteen tobacco-related bills that have been introduced for the 2007-2008 legislative session. During the month of April and early May, almost all of these bills had committee hearings and votes. In addition, many of these bills were recently amended. This update provides a summary of the amendments that were not detailed in prior legislative updates and includes details on all of the hearings and votes that have taken place to date. The committee votes are listed for each measure, but to see how specific members voted, please visit <http://www.leginfo.ca.gov/> and type in the bill number and then click on the link for committee votes.

AB 647 (Salas – D, Chula Vista) School-based Tobacco Education and Cessation Programs

Status: The Assembly Education Committee passed the bill on April 18 by a vote of 9-0. The Assembly Appropriations Committee passed the bill by a vote of 16-0 on May 2. AB 647 has been placed on the consent calendar and will be considered soon on the Assembly floor.

AB 1467 (DeSaulnier – D, Concord) Expansion of Smokefree Workplaces

Status: The Assembly Labor and Employment Committee passed the bill on April 18 by a vote of 6-2. The Assembly Appropriations Committee passed the bill by a vote of 11-5 on May 2. Assembly Bill 1467 will be heard by the full Assembly shortly.

AB 1585 (Lieber – D, Mountain View) Expansion of Nonsale Distribution of Tobacco Products

Amendments: On April 18, the bill was amended to simply include gift certificates, gift cards, and other similar offers under the nonsale distribution prohibitions. The language about expanding who and where nonsale distribution applies to was removed from the bill.

Status: The Assembly Governmental Organization Committee passed the bill on April 25 by a vote of 9-5.

AB 1617 (DeSaulnier – D, Concord) Restricting Internet Sales of Tobacco Products

Status: The Assembly Governmental Organization Committee passed the bill on April 18 by a vote of 9-5. The bill was also passed, by a vote of 7-3, by the Assembly Judiciary Committee on April 24. AB 1617 has now been referred to the Assembly Appropriations Committee.

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

Status: The second scheduled hearing for SB 4 was canceled and no further hearings are scheduled. According to the author's office, they are going to focus their efforts on passing SB 7 this year and attempt to pass SB 4 next year.

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

Status: The Senate Health Committee passed the bill on March 28 by a vote of 6-3. Because the cost of the bill is over \$150,000, the Senate Appropriations Committee placed the bill on the suspense file where it awaits further action.

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

Amendments: The bill was amended on April 30 to include language that states that the environmental tobacco smoke mitigation fee is within the limitations of the Supreme Court of California's Sinclair Paint decision, which states that regulatory fees are different from taxes and thus not subject to the 2/3 vote requirement for tax increases.

Status: The Senate Health Committee passed the bill on April 18 by a vote of 6-3. The Senate Revenue and Taxation Committee placed the bill on the suspense file where it awaits further action.

SB 295 (Cogdill – R, Modesto) Definition of Untaxed Tobacco Product

Amendments: On April 16, SB 295 was amended to clarify the definition on an “untaxed tobacco product” and apply this definition to all sections of the cigarette and tobacco products tax law.

Status: The Senate Revenue and Taxation Committee passed the bill on April 25 by a vote of 8-0.

SB 554 (Migden – D, San Francisco) Changing the Definition of a Cigarette

Amendments: This bill was amended twice – first on March 26 to remove the language about “roll your own” tobacco under the new definition of a cigarette and secondly on April 11 to apply this new definition to other provisions of the law.

Status: SB 554 is scheduled for a hearing by the Senate Revenue and Taxation Committee on May 9.

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

Amendments: This bill was amended on May 2 to require that after any completed sale (but not attempted sale), the peace officer accompanying the minor must go into the retail establishment and inform the seller about the random inspection.

Status: The Senate Health Committee passed the bill on April 25 by a vote of 6-4. SB 624 has been scheduled for a hearing by the Senate Appropriations Committee on May 14.

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

Status: The Senate Revenue and Taxation Committee passed the bill on April 25 by a vote of 5-3. The Senate Appropriations Committee passed the bill by a vote of 9-8 on May 7. Senate Bill 625 will be heard by the full Senate shortly.

SB 655 (Margett – R, Glendora) Possession of Tobacco in Local Correctional Facilities

Amendments: SB 655 was amended on April 16 to make possession of tobacco products in a local correctional facility illegal and punishable by a fine of up to \$250. This would only apply to local correctional facilities that are located in a county where the Board of Supervisors has passed an ordinance that bans tobacco possession in its correctional facilities. The amended version of this bill no longer contains the provisions that would repeal the ban on tobacco possession in state correctional facilities.

Status: The Senate Public Safety Committee passed the bill on April 24 by a vote of 5-0.

SB 950 (Corbett – D, San Leandro) Require Reporting of Tobacco Products Ingredients

Status: The Senate Health Committee failed to pass SB 950 on two occasions, once on April 18 by a vote of 5-4 and then on April 25 by a vote of 5-5. Because the bill twice failed to pass the Senate Health Committee, it may no longer be considered this session.

Center for Tobacco Policy & Organizing, May 8, 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 or Paul Kneprath, Vice President, Government Relations, American Lung Association of California, at (916) 442-4446, ext. 224 or pkneprath@alac.org.

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