

Legislative Update

August 30, 2004

The California Legislature concluded its annual legislative session and has sent Governor Schwarzenegger hundreds of bills for his action, including a few tobacco-related bills. The Governor has until September 30, 2004 to sign, veto or allow bills to become law without his signature. The final disposition of bills at the end of session is listed below.

ASSEMBLY BILLS

AB 384 (Leslie, R – Tahoe City) Tobacco Prohibition in Prisons: would prohibit the possession of tobacco products by inmates in state prisons and California Youth Authority (CYA) facilities. Changes current law that allows inmates in state prisons and youth over the age of 16 in CYA facilities to possess tobacco products. Eliminates tobacco products from the list of items that may be sold to inmates. Does not apply to city or county correctional facilities.

Status: AB 384 passed the Legislature and is on the Governor's desk.

AB 894 (Firebaugh, D – Los Angeles) Smoking in Cars with Minors: would make it an infraction for a person to smoke in a vehicle in which a young child is present. Prohibits smoking in a vehicle when there are children present who are required to ride in a child safety seat, six years or sixty pounds. Would go into effect January 1, 2006.

Status: AB 894 failed passage in the Assembly Governmental Organization Committee.

AB 1583 (Koretz, D-West Hollywood) Smoking on State Beaches would prohibit smoking on all state beaches under the jurisdiction of the State Department of Parks and Recreation, with some exceptions allowing local municipal control. Would make it an infraction for a person to smoke on a state coastal beach. Would allow a city or county to pass an ordinance further restricting, weakening or opting out of the state smoke-free beach policy.

Status: AB 1583 failed passage by the full Senate.

AB 3092 (J. Horton) STAKE Act Signage: would increase the fines under Penal Code 308 for failure to post a STAKE Act sign and impact other provisions relating to illegal sales of tobacco products to minors. Fines would increase from \$10 to \$50 for the first violation and from \$50 to \$100 for each subsequent violation. Restates existing law about licensing requirements on lands, such as Indian, federal, etc. that the licensing law does not apply.

Status: AB 3092 passed the Legislature and is on the Governor's desk.

AB 1239 (Wiggins, D – Santa Rosa) Fees on Tobacco Manufacturers: would impose a fee on tobacco manufacturers that did not sign the 1998 Master Settlement Agreement and create a fund to be used for tobacco-related health measures including smoking cessation programs. (See related bill SB 676.)

Status: Failed passage in the Senate Committees on Revenue and Taxation.

AB 1808 (Yee, D-San Francisco) Smoke-Free Beach Information Campaign would require 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.

Status: Failed passage in the Senate Appropriations Committee.

AB 2443 (Daucher, R - Brea) Sales to Minors Laws: would amend 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 also 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.

Status: Failed passage in the Assembly Governmental Organization Committee.

AB 2694 (Bough, R – Cherry Valley) Littering of Tobacco Products: would increase the range of fines established in current law for discarding a cigarette, cigar, match, or any flaming or glowing substance.

Status: Failed passage in the Assembly Public Safety Committee.

AB 2997 (Firebaugh, D – Los Angeles) Smoking in Cars with Minors: would make it an infraction for a person to smoke in a vehicle in which the driver or a passenger is 18 years of age or younger. Prohibits smoking in a vehicle when there are young children present who are required to ride in a child safety seat, six years or sixty pounds.

Status: Failed passage in vote of the full Assembly.

SENATE BILLS

SB 676 (Ortiz, D - Sacramento) Fees on Tobacco Manufacturers: would impose 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. (See related bill - AB 1239)

Status: Failed passage in Assembly Governmental Organization Committee.

SB 1173 (Ortiz, D Sacramento) Self-Service Display Ban: would broaden the current state ban on self-service displays of cigarettes to a ban on self-service displays of all other tobacco products and tobacco paraphernalia, except in tobacco stores. Provides for the self-service display and sale of non-cigarette tobacco in tobacco stores, defined as those stores that generate 60 percent or more of its gross annual revenues from the sale of tobacco products or tobacco paraphernalia.

Status: SB 1173 passed the Legislature and is on the Governor's desk.

SB 1821 (Dunn, D – Santa Ana) Tobacco to 21: would increase the minimum age to purchase or possess tobacco from 18 to 21 years. Allows people that have reached the age of 18 by January 1, 2004 to continue to purchase and possess tobacco products. This would have the effect of raising the smoking age by one year, for three years, until it tops out at the age of 21.

Status: Failed passage in the Senate Appropriations Committee.