

The following is a summary of current tobacco related legislation being monitored by The Center for Tobacco Policy & Organizing. The Center will continue to update this information as bills are amended and move through the process.

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.

Key Component(s):

- Changes current law that allows inmates in state prisons and youth over the age of 16 in CYA facilities to possess tobacco products. Employees at state correctional facilities could continue to possess tobacco.
- Eliminates tobacco products from the list of items that are allowed to be sold to inmates within the state's adult and youth correctional facilities.
- Does not apply to city or county correctional facilities.

Status: AB 384 will next be heard by the Senate committee on Public Safety.

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 (non-participating manufactures or NPMs), and create a fund to be used for tobacco-related health measures including smoking cessation programs. (See related bill SB 676)

Key Component(s)

- In the first year, the fee would be established at 50 cents per pack.
- In subsequent years the fee would be determined by the Department of Health Services based on what the department estimates will produce sufficient revenue to fund that manufacture's proportionate share of the current year's costs of smoking cessation programs and the costs incurred in administering the fee
- Prior to receiving a tax stamp on a package of cigarettes, NPMs would be required to provide proof that their fee payment was made.

Status: AB 1239 has been referred to the Senate committees on Revenue and Taxation and Health and Human Services. No hearings have been scheduled.

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.

Key Components:

- Fine ranges established in the STAKE Act for selling to minors would increase from \$200-\$300 to \$400-\$600 for the first violation, and from \$600-\$900 to \$900-\$1,000 for a second violation within five years. Fines for subsequent violations within a five-year period would remain the same.
- Under both the STAKE Act and Penal Code 308, fines for not posting the STAKE Act sign would be raised from \$10 to \$200 for the a first violation and from \$50 to \$500 for each succeeding violation.
- Funds collected as civil penalties by local law enforcement agencies would be used to pay that agency's cost of enforcing the act.
- The yearly limit of \$300,000 that may be collected into the Sale of Tobacco to Minors Control Account would be eliminated. Under current law, if the state collects more than \$300,000 the additional revenue would go to the General Fund.

Status: AB 2443 is scheduled to be heard in the Assembly Governmental Organization committee on April 19.

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.

Key Component(s):

- Current law, under the Health and Safety Code, makes it a misdemeanor to throw or discharge (litter) any lighted or non-lighted cigarette, cigar, match, or flaming or glowing substance. This bill would amend the law to increase the range of fines from \$100-\$1,000 to \$1,000-\$2,000 for a first violation, from \$500-\$1,000 to \$2,000-\$4,000 for a second violation and \$750-\$1,000 to \$4,000-\$6,000 for a third violation.
- This bill would add similar provisions to the penal code, creating an infraction for the littering of tobacco products. The fines established would reflect the amendments to the Health and Safety Code (the increased fines).

Status: AB 2694 will next be heard by the Assembly Public Safety Committee.

AB 2997 (Firebaugh, D – E. 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.

Key Component(s):

- Prohibits the smoking of a pipe, cigar, or cigarette in a vehicle in which the driver or a passenger is 18 years or younger.

Status: AB 2997 will next be heard in the Assembly Committee on Transportation.

AB 3092 (Assembly Committee on Governmental Organization) STAKE Act

Signage: would increase the fines under Penal Code 308 for failure to post a STAKE ACT sign.

Key Component(s):

- Fines would increase from \$10 to \$50 for the first violation and from \$50 to \$100 for each subsequent violation.

Status: AB 3092 is scheduled for a hearing in the Assembly Committee on Governmental Organization on April 19.

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)

Key Component(s):

- The amount of the fee would be established by the Department of Health Services based in part on the annual costs of treating tobacco-related disease and the non-participating manufacturers share of the tobacco market.
- Proceeds from the fee would support smoking cessation services (an amendment is likely to be offered that would allow funds to be used for more general tobacco control programs as well as cessation services).

Status: Passed out of the Senate and awaiting a hearing in the Assembly.

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 tobacco products and tobacco paraphernalia.

Key Component(s):

- Retailers would be required to display any product containing tobacco leaf, or product designed for the smoking or ingestion of tobacco products, so that a customer would require the assistance of a clerk or retailer to access the item.

Status: A hearing has been scheduled for April 13 in the Senate Judiciary Committee.

SB 1667 (Aanestad, R – Grass Valley) Fee Voting Requirement: would increase the vote requirement for raising fees from a majority vote of the legislature to two-thirds of the legislature.

Key Component(s):

- Under current law, for a fee increase to be enacted it must be approved by a majority vote of the legislature (only a tax has the more stringent

requirement of a two-thirds vote). This bill would require a two-thirds vote of the legislature to pass a fee increase.

- This bill would make it more difficult to pass bills such as SB 676, AB 1239 and any future attempts at the state level to pass an annual licensing fee on retailers that would fund the enforcement of sales to minors laws.

Status: The bill has not been referred to a committee. According to the author's office, this bill is a spot bill. Senator Aanestad plans to turn the bill into a constitutional amendment using the same language currently in the bill.

SB 1821 (Dunn, D – Santa Ana) Tobacco to 21: would increase the minimum age to purchase or possess tobacco in California from 18 to 21 years.

Key Component(s):

- Allows people that have reached the age of 18 by January 1, 2004 to continue to purchase and possess tobacco products (grandfathers them in). 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.
- This bill would change the STAKE ACT enforcement protocol from using 15 and 16-year-old undercover decoys to using persons under the age of 21. However, this change would not occur until January 1, 2007, after all individuals that were grandfathered in have reached the age of 21.

Status: This bill passed out of the Senate Health and Human Services Committee and is scheduled to be heard in the Senate Appropriations Committee on April 19.

Spot Bills: There are also several "spot bills" that the Center will be watching. A spot bill is a bill that is introduced making only technical, non-substantive changes to existing law. Spot bills are a way for legislators to meet the deadline for introducing a bill before they have worked out all of the details of the legislation they wish to propose - a placeholder.

AB 2030 (Cogdill, R - Modesto): this bill is intended to provide a vehicle for cleanup to last years tobacco licensing bill (AB 71). (See AB 2491)

AB 2244 (Vargas, D – San Diego): this bill makes technical, non-substantive changes to Proposition 99 enabling legislation.

AB 2491 (Horton, D - Inglewood): another bill intended as a vehicle to cleanup AB 71. (See AB 2030)

AB 3017 (Chavez, D – La Puente): this bill makes technical, non-substantive changes to the enabling legislation for Proposition 10, the California Children and Families First Act of 1998.

AB 3093 (Assembly Committee on Governmental Organization) Cigarette and Tobacco Licensing Act Assessment: Currently, the bill would amend the Tobacco Licensing Act (AB 71) to require the Bureau of State Audits to include in their performance audit an assessment of the overall effectiveness of the

licensing program established with the enactment of AB 71. This bill may be used as a vehicle for other AB 71 clean up.

If you have any questions about any of the bills listed, the legislative process, or how they might affect local policies, please contact Julie Bradley-Hart, Policy Coordinator with the Center for Tobacco Policy and Organizing, at 916-442-4299 or jbhart@alac.org.