

Legislative Update

April 15, 2005

AB 17 (Koretz, D - West Hollywood) Smoke-free State Beaches: AB17 would prohibit smoking on all coastal beaches owned, operated or under the jurisdiction of the state. Violators would be guilty of an infraction and fined one hundred dollars.

AB 178 (Koretz, D - West Hollywood) Fire-Safe Cigarettes: would prohibit the sale, manufacture or distribution of cigarettes in the state that are not fire-safe. Manufacturers would be required to certify that their cigarettes self-extinguish at least 75 percent of the time when tested in accordance with methods established by the American Society of Testing and Materials. The state of New York has a similar law currently in effect.

AB 616 (Vargas, D – San Diego) Smoke-free Patios & Courtyards: would prohibit a public employee or member of the public from smoking any tobacco product in an outdoor area enclosed on at least 3 sides by a public building or buildings.

AB 892 (Cogdill, R – Modesto) Amends the Statewide Tobacco Licensing Act of 2003: This would require distributors and wholesalers to include on invoices the amount of excise tax due if all taxes were not paid in full at the time of sale. Current law requires that each invoice state that all tobacco product taxes are included in the total amount of the invoice. The change is required because distributors and wholesalers are not required to pay the full amount of taxes due up front.

AB 1029 (J. Horton, D – Inglewood) Statewide Tobacco Licensing Act of 2003: would require non-face-to-face tobacco retailers (Internet, mail order) doing business in the state of California to obtain a state tobacco license.

AB 1612 (Pavley, D – Agoura Hills) Cigarette Litter Mitigation Fee: would require cigarette manufacturers to pay a fee to offset the costs to state and local governments associated with the mitigation of cigarette related pollution as well as tobacco prevention and cessation programs. The amount of the fee is not established in the bill; however, the fee may not exceed the cost of the mitigation. (See related bill SB 942).

SB 400 (Kuehl, D – Santa Monica) Tobacco Retail License: would strengthen the sales to minors provisions of the state's tobacco licensing program. Under the current licensing law, retailers are only penalized for violating the STAKE Act or PC 308 when the statewide sales to minors rate is 13 percent or greater. Under SB 400 the 13 percent trigger would be eliminated and the penalty structure would be adjusted as follows:

- From a warning letter and training for a first conviction to a 30-day suspension.
- From fines for the 2nd and 3rd conviction within 12 months to a 90-day suspension for the 2nd violation within 5 years and a 120-day suspension for the 3rd violation within 5 years.
- From a 90-day license suspension for the 4th through the 7th conviction within 12 months and license revocation upon the 8th violation within 24 months to a 365-day suspension for a 4th conviction within 5 years, and permanent revocation for a 5th violation within 5 years.

The bill would also require that state and local law enforcement agencies notify the Board of Equalization of any violation of the state license.

SB 564 (Torlakson, D – Antioch) Tobacco Tax: would impose an additional \$1.00 cigarette tax. The revenue collected would be used for research, prevention and treatment of several pediatric diseases, for various children's health programs and for tobacco prevention and cessation programs. The bill includes a backfill for Proposition 99 and the Breast Cancer Fund.

SB 576 (Ortiz, D – Sacramento) Cessation - Health Insurance Coverage: would require that all health insurance and health care service plans that provide outpatient prescription drug benefits must also provide tobacco cessation services.

SB 942 (Chesbro, D – Arcata) Litter Mitigation fee: would require cigarette manufacturers to pay a fee to offset the costs to state and local governments associated with cigarette litter clean-up and the mitigation of cigarette related pollution as well as costs associated with source reduction measures such as cessation services, public education, outreach, media advertising, and community intervention programs. The amount of the fee is not established in the bill; however, the fee may not exceed the cost of the mitigation. (See related bill AB 1612).

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