

Final Legislative Update – 2005 Legislative Session

On September 9, the California Legislature adjourned the first year of its two-year 2005-06 legislative session and sent the governor hundreds of bills for him to act on, either by signing, vetoing or allowing them to become law without his signature. Among those measures that passed the Legislature are two tobacco-related bills, Assembly Bill 178 (Koretz), which requires cigarettes sold in California to be “fire safe,” and Senate Bill 576 (Ortiz) that would require managed care health plans to offer smoking cessation services. The governor signed the fire safe cigarette bill and vetoed the smoking cessation mandate measure. Below is a summary of the key tobacco-related bills introduced in the 2005 session and their status. Measures noted as “two-year bill” mean that they may be brought up during the 2006 Legislative session.

AB 17 (Koretz, D – West Hollywood) Smoke-free State Beaches: AB17 was amended to make technical changes regarding litter and litter receptacles, and no longer deals with the issue of smoking on state beaches. Status: N/A

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. Status: AB 178 was signed into law.

AB 616 (Vargas, D – San Diego) Smoke-free Patios & Courtyards: would prohibit a public employee or member of the public from smoking in an outdoor area of a state-owned or leased building that is enclosed on four sides. Was amended to remove provisions dealing with city and county buildings or buildings on the public university and college campuses. Status: two-year bill.

AB 1612 (Pavley, D – Agoura Hills) Cigarette Litter Mitigation Fee: would require cigarette manufacturers to pay a fee to offset the costs associated with cigarette litter clean-up and the mitigation of cigarette related pollution, as well as costs associated with smoking cessation, public education, outreach, media advertising, and community intervention programs. The amount of the fee has not been set. Status: Held in Assembly Appropriations Committee; two-year bill.

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 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. Status: Held in Senate Appropriations Committee; two-year bill.

SB 564 (Torlakson, D – Antioch) Tobacco Tax: would impose an additional \$1.00 cigarette tax with the new revenues supporting research, prevention and treatment of pediatric diseases; various children’s health programs; and, tobacco prevention and control programs. The bill includes a backfill for Proposition 99, the Breast Cancer Fund and the Prop. 10 California Children and Families trust fund. Status: two-year bill.

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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. Was amended to include a co-pay of up to \$15. Status: Governor Schwarzenegger vetoed SB 576. You can download the veto message at: http://www.governor.ca.gov/govsite/pdf/vetoes_2005/SB_576_veto.pdf

SB 942 (Chesbro, D – Arcata) Litter Mitigation fee: would require cigarette manufacturers to pay a fee to offset the costs associated with cigarette litter clean-up and the mitigation of cigarette related pollution, as well as costs associated with smoking cessation services, public education, outreach, media advertising, and community intervention programs. The amount of the fee has not been set. Status: Held in Senate Appropriations Committee; two-year bill.

For more information, contact the Center for Tobacco Policy and Organizing, at (916) 442-4299 or Paul Knepprath, at (916) 442-4446.