

# 2007 Legislative Session: Final Update and Tobacco Vote Record



**D**uring the 2007 legislative session of the California Legislature, thirteen tobacco-related bills were introduced and nine were passed by both the Assembly and the Senate and sent to the Governor's desk. Governor Schwarzenegger signed seven of these bills into law and vetoed the other two. Legislation signed into law from this session will provide important public health benefits by protecting children from secondhand smoke in cars and allowing for greater enforcement of the STAKE Act to prevent illegal sales of cigarettes to minors. All of these laws will go into effect on January 1, 2008 unless otherwise noted.

The Center for Tobacco Policy and Organizing analyzes and monitors the progress of tobacco-related bills that are introduced in the California Legislature. Throughout the year, The Center sends out regular updates about this legislation to keep local advocates informed about the tobacco-related activity that is occurring at the State Capitol. In addition, The Center tracks the votes that occur on these bills and produces an annual vote record that summarizes the outcome of each bill and how each Member voted.

This final update contains summaries, legislative histories, and the "tobacco control" position (represented by the American Lung Association of California, American Heart Association, and the American Cancer Society) for each of the nine bills that were sent to the Governor. Following the final update is the 2007 Tobacco Vote Record that contains details about how every Assembly Member and Senator voted on the tobacco-related bills.

*If you have questions about this report, please contact The Center's Policy Coordinator, Justin Garrett, at (916) 554-5864 or [jgarrett@alac.org](mailto:jgarrett@alac.org) or Paul Knepprath, Vice President, Government Relations, American Lung Association of California, at (916) 554-5864 or [pknepprath@alac.org](mailto:pknepprath@alac.org).*

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

## BILLS THAT WERE SIGNED BY THE GOVERNOR

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

AB 647 changes the manner in which funds are provided to local education agencies, consolidating the current three funding mechanisms into one competitive grant process. It also increases the minimum funding for the County Offices of Education from the current level of \$25,000 to \$37,500. AB 647 stems from a series of Tobacco-Use Prevention Education Task Force recommendations intended to improve schools-based tobacco prevention and education efforts.

**Legislative History:** Passed the Assembly (72-0 on May 10 and 79-0 on July 20) and Senate (40-0 on July 9). The Governor signed AB 647 into law on July 27 and the bill will go into effect on July 1, 2009.

**Tobacco Control Position:** Support

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

This bill modifies the definition of nonsale distribution of tobacco products to be defined to include gift certificates, gift cards, and other similar offers (coupons, coupon offers and rebate offers are already included under the current definition of nonsale distribution). The legislation will also apply the restrictions on sales of tobacco products over the Internet and other non face-to-face means to apply to nonsale distribution of tobacco products as well.

**Legislative History:** Passed the Assembly (42-30 on May 14 and 47-30 on September 12) and Senate (26-14 on September 10). The Governor signed AB 1585 into law on October 10.

**Tobacco Control Position:** Support

### **SB 7 (Oropeza – D, Long Beach) Prohibiting Smoking in Cars with Minors**

Senate Bill 7 prohibits smoking in a motor vehicle, regardless of whether the vehicle is stationary or moving, in which a minor (17 years and younger) is present. Violations are punishable by a fine of up to

\$100. The bill states that an officer may not pull over a vehicle for the sole purpose of checking if the driver is smoking with a minor present. However, violators can be cited for smoking in a car with a minor present when stopped by an officer for another traffic violation.

**Legislative History:** Passed the Assembly (44-31 on September 10) and Senate (22-18 on June 7 and 21-18 on September 18). The Governor signed SB 7 into law on October 10.

**Tobacco Control Position:** Support

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

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This bill clarifies the definition on an untaxed tobacco product and applies this definition to all sections of the cigarette and tobacco products tax law.

**Legislative History:** Passed the Assembly (73-0 on August 30) and Senate (39-0 on May 14). The Governor signed SB 295 into law on October 5.

**Tobacco Control Position:** No Position

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

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The bill allows local enforcement agencies to enforce the STAKE Act by conducting random inspections utilizing minors and to assess penalties. SB 624 provides this authority to local law enforcement without the requirement of having a contract with the Department of Public Health as currently required. This legislation will also raise the civil penalties for selling or giving tobacco to anyone under the age of 18 and authorize civil penalties against individuals or businesses that engage in tobacco retailing and do not appropriately post the required notice about not selling tobacco to minors. Finally, this bill will require that all civil penalties collected under this act would be deposited into the Sale of Tobacco to Minors Control Account, not just penalties up to \$300,000 in one year as currently required.

**Legislative History:** Passed the Assembly (76-0 on September 4) and Senate (21-13 on May 29 and 24-14 on September 5). The Governor signed SB 624 into law on October 13.

**Tobacco Control Position:** Support

### **SB 625 (Padilla – D, Pacoima) Tobacco Product Retailers License Reinstatement Fee**

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The bill authorizes a \$100 reinstatement fee as a precondition for reinstatement of an expired state tobacco retailer license. This fee would not apply to the annual renewal application for state tobacco product

retailer licenses, but only the licenses that actually expire and must be reinstated.

**Legislative History:** Passed the Assembly (44-28 on August 30) and Senate (23-13 on May 24). The Governor signed SB 625 into law on October 13.

**Tobacco Control Position:** American Lung Association/ American Heart Association Support; American Cancer Society No Position

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

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This bill makes possession of tobacco products in a local correctional facility illegal and punishable by a fine of up to \$250. This will 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.

**Legislative History:** Passed the Assembly (75-0 on August 27) and Senate (36-2 on May 21 and 33-3 on August 30). The Governor signed SB 655 into law on October 13.

**Tobacco Control Position:** No Position

## **BILLS THAT WERE VETOED BY THE GOVERNOR**

### **AB 1467 (DeSaulnier – D, Martinez) Expansion of Smokefree Workplaces**

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This legislation would have eliminated exemptions in the statewide smokefree workplace law for specified bars, warehouse facilities, employee break rooms, hotel lobbies, meeting and banquet rooms. Under AB 1467, smoking would have been prohibited in any owner-operated business where non-employees are permitted access, regardless of whether the owner has employees. Finally, the legislation would have changed the definition of a tobacco shop to be “a retail business that meets all of the following requirements: (A) Primarily sells tobacco products; (B) Generates more than 60 percent of its gross revenues annually from the sale of tobacco products and tobacco paraphernalia; (C) Does not permit any person under 18 years of age to be present or enter the premises at any time, unless accompanied by the person’s parent or legal guardian, as defined in Section 6903 of the Family Code; and (D) Does not sell alcoholic beverages or food for consumption on the premises.”

**Legislative History:** Passed the Assembly (45-27 on May 14) and Senate (21-16 on August 30). The Governor vetoed AB 1467 on October 14.

Veto Message - <http://gov.ca.gov/pdf/press/AB%201467%20veto%20message.pdf>

Tobacco Control Position: Support

### **AB 1617 (DeSaulnier – D, Martinez) Restricting Internet Sales of Tobacco Products**

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This bill would have restricted Internet sales of cigarettes by making it unlawful for distributors to ship cigarettes to individuals in California and for common or contract carriers to knowingly transport cigarettes to individuals in California. The only exceptions would be that cigarettes could be shipped in California to licensed distributors, export and customs warehouses or government employees acting in accordance with their official duties. However, individuals would be allowed to transport up to 800 cigarettes (4 cartons) for themselves or other adults in California. The bill excludes cigars, pipe tobacco, and other tobacco products from the shipping prohibition but would set other restrictions to ensure that those products are not purchased by minors over the internet or through other non face-to-face sale methods.

**Legislative History:** Passed the Assembly (47-31 on May 29 and 48-29 on September 12) and Senate ( 22-14 on September 10). The Governor vetoed AB 1617 on October 14.

Veto Message - <http://gov.ca.gov/pdf/press/AB%201617%20veto%20message.pdf>

Tobacco Control Position: Support

## **BILLS THAT DID NOT GET VOTED ON**

The four tobacco-related bills that did not pass the Legislature were SB 4 (Oropeza – D, Long Beach) Prohibiting Smoking at State Beaches and Parks; SB 24 (Torlakson – D, Antioch) Environmental Tobacco Smoke Mitigation Fee; SB 554 (Migden – D, San Francisco) Changing the Definition of a Cigarette; and SB 950 (Corbett – D, San Leandro) Requiring Reporting of Tobacco Products Ingredients. All of these bills failed to make legislative deadlines early in the session and did not receive a floor vote in either house. However, these four bills became “two-year” bills, which means they are eligible to be taken up once the Legislature returns in January 2008.

## **2007 TOBACCO VOTE RECORD**

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The following pages contain the Tobacco Vote Record for the California Legislature during the 2007 legislative session. The vote record shows how every Assembly Member and Senator voted on each of the nine tobacco-related bills that received floor votes in both houses.

Key: Y – voted yes on the bill, N – voted no on the bill, NV – absent or did not vote on the bill

Additional Notes: The “Y” and “N” refer to how the Member actually voted on the legislation, not how the Member voted in relation to the tobacco control position on the bill. To understand exactly what a yes or no vote means in relation to the tobacco control position, it is important to refer to the tobacco control positions that are included with each bill on the previous pages. It should be noted that the tobacco control organizations did not oppose any tobacco-related bills this legislative session.

Two Members were not in the Legislature the entire session and did not have the opportunity to vote on every tobacco-related bill. Assembly Member Felipe

Fuentes was elected in a special election to fill the vacancy left by the resignation of Assembly Member Richard Alarcon. Assembly Member Fuentes was sworn in on May 25 and missed all votes prior to this date. Assembly Member Laura Richardson was elected to Congress in a special election and was sworn in as a U.S. Representative on September 4, missing all Assembly votes after this date.

The Assembly and Senate voted on certain bills more than once, to concur with amendments made in the other house. In some instances, Member’s votes differed when a bill was voted on more than once. If a Member was absent or did not vote on the bill during one of the votes but voted during the other vote, then the vote record displays the time they actually voted. In two instances, one Member voted against a bill one time and for the bill on the other vote. In these two cases, the vote record displays “N/Y” to show the two differing votes.

## 2007 TOBACCO VOTE RECORD

<b>Assembly Member</b>	AB 647	AB 1467	AB 1585	AB 1617	SB 7	SB 295	SB 624	SB 625	SB 655
Adams, Anthony (R-59)	Y	N	N	N	N	Y	Y	N	Y
Aghazarian, Greg (R-26)	Y	N	N	N	N	Y	Y	NV	Y
Anderson, Joel (R-77)	Y	N	N	N	N	Y	Y	N	Y
Arambula, Juan (D-31)	Y	Y	Y	Y	N	Y	Y	Y	Y
Bass, Karen (D-47)	Y	NV	Y	Y	Y	Y	Y	Y	NV
Beall, Jim Jr. (D-24)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Benoit, John (R-64)	Y	NV	N	N	N	Y	Y	N	Y
Berg, Patty (D-01)	Y	Y	Y	Y	Y	Y	Y	Y	NV
Berryhill, Tom (R-25)	Y	N	N	N	N	Y	Y	N	Y
Blakeslee, Sam (R-33)	Y	Y	N	N	N	Y	Y	NV	Y
Brownley, Julia (D-41)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Caballero, Anna (D-28)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Calderon, Charles (D-58)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Carter, Wilmer (D-62)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Cook, Paul (R-65)	Y	N	N	N	N	Y	Y	N	Y
Coto, Joe (D-23)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Davis, Mike (D-48)	Y	Y	Y	Y	Y	Y	Y	Y	Y
De La Torre, Hector (D-50)	Y	Y	Y	Y	Y	Y	Y	Y	Y
de Leon, Kevin (D-45)	Y	Y	Y	Y	Y	Y	Y	Y	Y
DeSaulnier, Mark (D-11)	Y	Y	Y	Y	Y	Y	Y	Y	Y
DeVore, Chuck (R-70)	Y	N	N	N	N	Y	Y	N	NV
Duvall, Michael (R-72)	Y	N	N	N	N	Y	Y	N	Y
Dymally, Mervyn (D-52)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Emmerson, Bill (R-63)	Y	N	N	N	NV	Y	Y	N	Y
Eng, Mike (D-49)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Evans, Noreen (D-07)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Feuer, Mike (D-42)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Fuentes, Felipe (D-39)	Y	NV	Y	Y	Y	Y	Y	Y	Y
Fuller, Jean (R-32)	Y	N	N	N	N	Y	Y	N	Y
Gaines, Ted (R-04)	Y	N	N	N	N	Y	Y	N	Y
Galgiani, Cathleen (D-17)	Y	Y	Y	Y	Y	Y	Y	N	Y
Garcia, Bonnie (R-80)	Y	NV	N	N	N	Y	Y	N	Y
Garrick, Martin (R-74)	Y	N	N	N	N	Y	Y	N	Y
Hancock, Loni (D-14)	Y	Y	Y	Y	NV	Y	Y	Y	Y
Hayashi, Mary (D-18)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Hernandez, Edward (D-57)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Horton, Shirley (R-78)	Y	Y	N	N	N	Y	Y	N	Y
Houston, Guy (R-15)	Y	NV	N	N	N	Y	Y	N	Y
Huff, Bob (R-60)	Y	N	N	N	N	Y	Y	N	Y
Huffman, Jared (D-06)	Y	Y	Y	Y	Y	Y	Y	Y	Y

## 2007 TOBACCO VOTE RECORD

Assembly Member	AB 647	AB 1467	AB 1585	AB 1617	SB 7	SB 295	SB 624	SB 625	SB 655
Jeffries, Kevin (R-66)	Y	N	N	N	N	Y	Y	N	Y
Jones, Dave (D-09)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Karnette, Betty (D-54)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Keene, Rick (R-03)	Y	N	N	N	N	Y	Y	N	Y
Krekorian, Paul (D-43)	Y	NV	Y	Y	Y	Y	Y	Y	Y
La Malfa, Doug (R-02)	Y	N	N	N	N	Y	Y	N	Y
Laird, John (D-27)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Leno, Mark (D-13)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Levine, Lloyd (D-40)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Lieber, Sally (D-22)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Lieu, Ted (D-53)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Ma, Fiona (D-12)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Maze, Bill (R-34)	Y	N	N	N	N	Y	Y	N	Y
Mendoza, Tony (D-56)	Y	Y	Y	Y	Y	NV	Y	Y	Y
Mullin, Gene (D-19)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Nakanishi, Alan (R-10)	Y	N	N	N	N	Y	Y	N	Y
Nava, Pedro (D-35)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Niello, Roger (R-05)	Y	N	N	N	N	Y	Y	N	Y
Núñez, Fabian (D-46)	Y	Y	Y	Y	Y	NV	Y	NV	Y
Parra, Nicole (D-30)	Y	Y	Y	Y	N	Y	Y	Y	Y
Plescia, George (R-75)	Y	N	N	N	N	NV	Y	NV	Y
Portantino, Anthony (D-44)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Price, Curren Jr. (D-51)	Y	Y	Y	Y	Y	Y	NV	Y	Y
Richardson, Laura (D-55)	Y	Y	Y	Y	NV	NV	NV	NV	Y
Runner, Sharon (R-36)	Y	N	N	N	N	Y	Y	N	Y
Ruskin, Ira (D-21)	Y	NV	Y	Y	Y	Y	Y	Y	Y
Salas, Mary (D-79)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Saldaña, Lori (D-76)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Silva, Jim (R-67)	Y	N	N	N	N	Y	Y	N	Y
Smyth, Cameron (R-38)	Y	N	N	N/Y	N	Y	NV	N	Y
Solorio, Jose (D-69)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Soto, Nell (D-61)	Y	NV	Y	Y	Y	NV	Y	NV	NV
Spitzer, Todd (R-71)	Y	N	N	N	NV	Y	Y	N	Y
Strickland, Audra (R-37)	Y	N	N	N	NV	NV	NV	NV	NV
Swanson, Sandre (D-16)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Torrico, Alberto (D-20)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Tran, Van (R-68)	Y	N	N	N	N	NV	Y	NV	Y
Villines, Michael (R-29)	Y	N	N	N	N	Y	Y	N	Y
Walters, Mimi (R-73)	Y	N	N	N	N	Y	Y	N	Y
Wolk, Lois (D-08)	Y	Y	Y	Y	Y	Y	Y	Y	Y

## 2007 TOBACCO VOTE RECORD

Senator	AB 647	AB 1467	AB 1585	AB 1617	SB 7	SB 295	SB 624	SB 625	SB 655
Aanestad, Sam (R-04)	Y	N	N	N	N	Y	N	N	Y
Ackerman, Dick (R-33)	Y	N	N	N	N	Y	N	N	Y
Alquist, Elaine (D-13)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Ashburn, Roy (R-18)	Y	N	N	N	N	Y	N	N	Y
Battin, James (R-37)	Y	N	N	N	N	NV	N	NV	Y
Calderon, Ron (D-30)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Cedillo, Gilbert (D-22)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Cogdill, Dave (R-14)	Y	N	N	N	N	Y	N	N	Y
Corbett, Ellen (D-10)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Correa, Lou (D-34)	Y	N	Y	Y	N	Y	Y	N	Y
Cox, Dave (R-01)	Y	N	N	N	N	Y	N	N	Y
Denham, Jeff (R-12)	Y	N	N	NV	N	Y	N	N	Y
Ducheny, Denise Moreno (D-40)	Y	NV	Y	NV	N	Y	Y	Y	N
Dutton, Robert (R-31)	Y	N	N	N	N	Y	N	N	Y
Florez, Dean (D-16)	Y	Y	Y	NV	Y	Y	Y	NV	Y
Harman, Tom (R-35)	Y	N	N	N	N	Y	N	NV	Y
Hollingsworth, Dennis (R-36)	Y	N	N	N	N	Y	N	N	N
Kehoe, Christine (D-39)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Kuehl, Sheila (D-23)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Lowenthal, Alan (D-27)	Y	Y	Y	Y	Y	Y	Y	NV	Y
Machado, Michael (D-05)	Y	N	Y	Y	N	Y	Y	Y	Y
Maldonado, Abel (R-15)	Y	Y	Y	N	Y	Y	Y	Y	Y
Margett, Bob (R-29)	Y	N	N	N	N	Y	N	N	Y
McClintock, Tom (R-19)	Y	N	N	N	N	Y	N	N	N
Migden, Carole (D-03)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Negrete McLeod, Gloria (D-32)	Y	Y	Y	Y	N	Y	Y	Y	Y
Oropeza, Jenny (D-28)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Padilla, Alex (D-20)	Y	Y	Y	NV	Y	Y	Y	Y	Y
Perata, Don (D-09)	Y	NV	Y	Y	Y	Y	Y	Y	Y
Ridley-Thomas, Mark (D-26)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Romero, Gloria (D-24)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Runner, George (R-17)	Y	N	N	N	N	Y	N	N	Y
Scott, Jack (D-21)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Simitian, Joe (D-11)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Steinberg, Darrell (D-06)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Torlakson, Tom (D-07)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Vincent, Edward (D-25)	Y	NV	Y	Y	Y	Y	NV	Y	Y
Wiggins, Patricia (D-02)	Y	Y	Y	Y	Y	Y	Y	Y	Y
Wyland, Mark (R-38)	Y	N	N	N	N	Y	N	N	Y
Yee, Leland (D-08)	Y	Y	Y	Y	Y	Y	N/Y	Y	Y