

Legislative Update

March 5, 2008

Three tobacco-related bills were introduced for the second year of the 2007-2008 legislative session of the California Legislature. The deadline for introducing new bills was February 22, but keep in mind that bills can be amended (in part or completely) up to the end of the session. There are no tobacco-related carryover bills from 2007 or "two-year" bills. This is because all of the tobacco-related bills that were not passed in the 2007 session and were eligible to become two year bills, including SB 4 by Senator Oropeza, did not meet deadlines for legislative action in 2008.

Below are summaries of the three new tobacco-related bills. The next step in the legislative process for these bills is hearings before policy committees, which will take place over the next two months.

AB 2088 (Beall – D, San Jose) Annual Fee for State Tobacco Retailer License

Assembly Bill 2088 would make changes to the state tobacco retailer license program that is administered by the Board of Equalization. Under current law, tobacco retailers pay a one-time fee of \$100 for a state tobacco retailer license and tobacco distributors and wholesalers pay an annual fee of \$1,000. This bill would make the \$100 fee for retailers an annual fee and raise the \$1,000 fee for wholesalers and distributors to \$1,500. The new revenue from the annual \$100 fee and \$500 increase in the wholesalers and distributors fee would be deposited into the Addiction and Recovery Services Fund. These monies would be available, with approval by the Legislature, for expenditure by the Secretary of Addiction Prevention and Recovery Services. Both the Addiction and Recovery Services Fund and the Secretary of Addiction Prevention and Recovery Services would be created by this bill. The Secretary would be responsible for reporting on issues related to drug and alcohol problems.

SB 1418 (Oropeza – D, Long Beach) Prohibiting Smoking at State Parks and State Beaches

Senate Bill 1418 would prohibit smoking at state parks and state beaches. The smoking prohibitions would also apply to parking lots at state parks and beaches and violations would be punishable by a fine of up to \$100.

This bill is similar to Senator Oropeza's SB 4 from 2007, with some significant modifications. SB 4 would have modified the Public Resources code while this new legislation would modify the Health and Safety Code; SB 4 would have excluded parking lots from the smoking prohibitions; and SB 4 would have made violations punishable by a fine of up to \$250.

SB 1598 (Padilla – D, San Fernando Valley) Secondhand Smoke Spot Bill

Senate Bill 1598 makes legislative findings about secondhand smoke. Currently, this bill is a "spot bill" meaning that it was introduced containing only non-substantive changes to existing law. This is done in order to meet the deadline to introduce legislation allowing the author to amend the bill once language and/or policy has been decided upon. While the bill does not currently contain such language, the author's office has indicated that SB 1598 will be amended to permit landlords to prohibit smoking within rental units.

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If you have questions about this analysis, please contact Justin Garrett, at (jgarrett@alac.org) or Paul Knepprath (pknepprath@alac.org) at (916) 554-5864 (LUNG).

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