

## Legislative Update: April 9, 2015

April is typically a busy month at the State Capitol, and the first two weeks have been no different as three bills received policy committee hearings and garnered enough votes to move forward in the legislative process. In addition, other tobacco-related bills have been amended, assigned to a committee, and/or scheduled for upcoming hearing dates.

Below is the legislative update with summaries and status updates for the twelve tobacco-related bills introduced for the 2015 session. This update also contains background information for specific bills with positions by the major voluntary health organizations (i.e., American Lung Association in California, American Cancer Society Cancer Action Network and American Heart Association).

- Three Bills were Approved in Committee
  - o AB 768 (Thurmond – D, Richmond) – Tobacco Free Baseball Act
  - o SB 140 (Leno – D, San Francisco) – Electronic Cigarettes
  - o SB 151 (Hernandez – D, West Covina) – Tobacco Products: Minimum Legal Age
  
- Three Bills were Amended
  - o AB 261 (Allen – R, Huntington Beach) – Cigarettes and Tobacco Products: Retailers: Licenses
  - o AB 1238 (Linder – R, Corona) – Cigarette and Tobacco Products Taxes
  - o SB 24 (Hill – D, San Mateo) – STAKE Act: Electronic Cigarettes (*Please note the hearing date for this bill was also changed*)
  
- Three Bills were Assigned to a Committee or Scheduled for Hearings
  - o AB 1162 (Holden – D, Pasadena) – Medi-Cal Cessation
  - o AB 1396 (Bonta – D, Alameda) – Medi-Cal
  - o SB 591 (Pan – D, Sacramento) – Cigarette and Tobacco Products Taxes: California Tobacco Tax Act of 2015
  
- Three Bills had No Change
  - o AB 48 (Stone – D, Santa Cruz) – Cigarettes: Single-use Filters
  - o AB 216 (Garcia – D, Bell Gardens) – Product Sales to Minors: Vapor Products
  - o AB 1278 (Gray – D, Merced) – Cigarettes and Tobacco Products: Identification Requirements



### **Three Bills were Approved in Committee**

#### **AB 768 (Thurmond – D, Richmond) – Tobacco Free Baseball Act**

Assembly Bill 768 would prohibit the use of tobacco products in a baseball stadium, which includes the physical area in which a professional, collegiate, high school, or other organized baseball game or practice is occurring.

**Background:** The American Lung Association in California, American Cancer Society Cancer Action Network, and American Heart Association support this bill. The Campaign for Tobacco-Free Kids is sponsoring this bill.

**Status:** AB 768 was approved by the Assembly Committee of Arts, Entertainment, Sports, Tourism, and Internet Media on April 7, 2015 by a vote of 4-2. AB 768 has now been referred to the Assembly Committee on Governmental Organization where it awaits a hearing date.

#### **SB 140 (Leno – D, San Francisco) – Electronic Cigarettes**

Senate Bill 140 would change the STAKE Act's definition of tobacco products to include electronic devices, such as electronic cigarettes, ensuring that the sale of these products are regulated by requiring retailers to obtain a state license with the Board of Equalization. SB 140 would also include electronic cigarettes in California's smokefree laws, prohibiting their use at workplaces, schools, daycares, restaurants, bars, hospitals and public transportation.

**Background:** The American Lung Association in California is co-sponsoring this bill with the American Cancer Society Cancer Action Network and American Heart Association.

**Status:** SB 140 was approved by the Senate Committee on Health on April 8, 2015 by a vote of 6-1 (with 2 members absent/did not vote). SB 140 has now been referred to Senate Appropriations where it awaits a hearing date.

#### **SB 151 (Hernandez – D, West Covina) – Tobacco Products: Minimum Legal Age**

This bill will raise the legal minimum age of purchase for tobacco products from 18 to 21 and severely limit teen access to these products.

**Background:** The American Lung Association in California, American Cancer Society Cancer Action Network, and American Heart Association support this bill.

**Status:** SB 151 was approved unanimously by the Senate Committee on Health on April 8, 2015. SB 151 has now been referred to Senate Appropriations where it awaits a hearing date.

### **Three Bills Were Amended**

#### **AB 261 (Allen – R, Huntington Beach) – Cigarettes and Tobacco Products: Retailers: Licenses**

Assembly Bill 261 would make technical changes to the California Cigarette and Tobacco Products Licensing Act of 2003.

**Amendments:** Current law prohibits a person from maintaining or operating a place of business in which drug paraphernalia is sold unless it is displayed within a separate room to which minors are not permitted unless accompanied by a parent or legal guardian. AB 261 was amended on March 26, 2015 to also prohibit drug paraphernalia from being sold unless the person operating said business has a license to engage in the sale of cigarette or tobacco products, and derives at least 50% of its annual gross revenues from the retail sale of cigarettes or tobacco products.

**Status:** AB 261 has been referred to the Assembly Committee on Governmental Organization and is awaiting a hearing date.

#### **AB 1238 (Linder – R, Corona) – Cigarette and Tobacco Products Taxes**

Assembly Bill 1238 would makes a minor language edit in the Revenue and Taxation Code as it relates to the Cigarette and Tobacco Products Tax Law.

**Amendments:** AB 1238 was amended on March 26, 2015 and now defines a "premium cigar" and provides that the tax rate applied to the distribution of a "premium cigar" shall not exceed a certain amount.

**Status:** AB 1238 has been referred to the Assembly Committee on Governmental Organization and awaits a hearing date.

### **[SB 24 \(Hill – D, San Mateo\) – STAKE Act: Electronic Cigarettes](#)**

Senate Bill 24 would add electronic cigarettes to the STAKE Act and require that retailers selling electronic cigarettes apply for a license from the Board of Equalization. This bill also requires electronic cigarettes cartridges to be in child-proof packaging. This bill does not define electronic cigarettes as a tobacco product.

**Background:** The American Lung Association in California, American Cancer Society Cancer Action Network, and American Heart Association are opposed to this bill unless it is amended.

**Amendments:** SB 24 was amended on April 6, 2015 and now prohibits the use of electronic cigarettes in a variety of specified areas where the smoking of cigarettes and other tobacco products is prohibited. It would also impose certain signage requirements.

**Status:** SB 24 has been referred to the Senate Committee on Health and is scheduled to be heard on April 15, 2015.

### **Three Bills were Assigned to a Committee or Scheduled for Hearings**

#### **[AB 1162 \(Holden – D, Pasadena\) – Medi-Cal Cessation](#)**

Assembly Bill 1162 would ensure that tobacco cessation services are covered benefits under the Medi-Cal program. The bill would require that those services include, at a minimum, unlimited quit attempts and a 90-day treatment regimen of any medication approved by the Federal Food and Drug Administration for tobacco cessation.

**Background:** The American Lung Association in California, American Cancer Society Cancer Action Network, and American Heart Association support this bill.

**Status:** AB 1162 has been referred to the Assembly Committee on Health and will be heard on April 21, 2015.

#### **[AB 1396 \(Bonta – D, Alameda\) – Medi-Cal](#)**

Assembly Bill 1396 is the compliment bill to SB 591 (above), and would earmark a portion of the new tax revenue from the \$2 increase to be used in expanding treatment services for Medi-Cal patients with tobacco-related diseases and other illnesses.

**Background:** The American Lung Association in California, American Cancer Society Cancer Action Network, and American Heart Association support this bill.

**Status:** AB 1396 has been referred to the Assembly Committee on Health and is awaiting a hearing date.

#### **[SB 591 \(Pan – D, Sacramento\) – Cigarette and Tobacco Products Taxes: California Tobacco Tax Act of 2015](#)**

Senate Bill 591 would increase California's tobacco tax by \$2, earmarking a portion of revenues towards tobacco prevention and control, tobacco-related disease treatment and research.

**Background:** The American Lung Association in California, American Cancer Society Cancer Action Network, and American Heart Association support this bill.

**Status:** SB 591 has been referred to the Senate Committee on Governance and Finance and will be heard on April 22, 2015.

### **Three Bills had No Changes**

#### **[AB 48 \(Stone – D, Santa Cruz\) – Cigarettes: Single-use Filters](#)**

Assembly Bill 48 would prohibit the sale of cigarettes that contain a single use filter made of any material, including cellulose acetate, or any organic or biodegradable material.

**Status:** AB 48 has been referred to the Assembly Committee on Governmental Organization and is awaiting a hearing date.

#### **[AB 216 \(Garcia – D, Bell Gardens\) – Product Sales to Minors: Vapor Products](#)**

Assembly Bill 216 would prohibit the sale of any device intended to deliver a non-nicotine product in a vapor state to a person under 18 years of age.

**Status:** AB 216 has been referred to the Assembly Committee on Governmental Organization and is awaiting a hearing date.

## **[AB 1278](#) (Gray – D, Merced) – Cigarettes and Tobacco Products: Identification Requirements**

Existing law requires a person selling or distributing tobacco products directly to a consumer in California, either through the United States Postal Service or a package delivery service, to verify that the purchaser or recipient of the product is 18 years of age or older. Assembly Bill 1278 would permit an identification card issued by the United States Armed Forces to meet the age verification requirements as proof of age, even if the identification card lacks a physical description, but includes the date of birth and a photo.

**Status:** AB 1278 has been referred to the Assembly Committee on Governmental Organization and awaits a hearing date.

The Center's Bill Tracker ([www.center4tobaccopolicy.org/bill-tracker/](http://www.center4tobaccopolicy.org/bill-tracker/)) can be used to track all bills throughout the 2015-2016 legislative session. The Bill Tracker contains up-to-date information with full summaries, status updates and other information about pertinent bills introduced in 2015.

The American Lung Association in California Center for Tobacco Policy & Organizing will be following bills and providing updates as the session progresses. You can find those updates [here](#).

*Center for Tobacco Policy & Organizing: April 9, 2015*

*If you have questions about this analysis, please contact Samantha Pellon ([Samantha.Pellon@lung.org](mailto:Samantha.Pellon@lung.org)) or Lindsey Freitas ([lindsey.freitas@lung.org](mailto:lindsey.freitas@lung.org)) or Kimberly Amazeen ([Kimberly.Amazeen@lung.org](mailto:Kimberly.Amazeen@lung.org)) at (916) 554-5864 (LUNG).*

*Sources: Copies of the legislation outlined above and vote information may be obtained at [www.leginfo.legislature.ca.gov/](http://www.leginfo.legislature.ca.gov/).*