

Legislative Update: August 31, 2015

The deadline for regular session bills to pass out of each house to the Governor is September 11. One tobacco-related bill has made it out of the Legislature and is currently pending before the Governor, while three other regular session bills are still going through the legislative process.

In addition to the regular legislative session, Governor Jerry Brown has convened a special legislative session to address health care spending. Special sessions (sometimes known as “extraordinary”) differ from regular legislative sessions because there is no specific schedule for special sessions and they can be called by the Governor intermittently to deal with specific issues or topics. During this special session, fourteen tobacco-related bills (seven bills, each jointly introduced in both the Senate and Assembly) have been introduced and are described in more detail below.

This legislative update includes bill status and summaries for the active tobacco-related bills in the 2015 regular and special sessions. 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).



REGULAR SESSION

ONE BILL IS PENDING BEFORE THE GOVERNOR

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

THREE BILLS CONTINUE TO MOVE FORWARD IN LEGISLATIVE PROCESS

- AB 216 (Garcia – D, Bell Gardens) – Product Sales to Minors: Vapor Products
- AB 1162 (Holden – D, Pasadena) – Medi-Cal Cessation
- AB 1278 (Gray – D, Merced) – Cigarettes and Tobacco Products: Identification Requirements

SPECIAL SESSION

FOURTEEN BILLS WERE INTRODUCED AND ARE MOVING THROUGH COMMITTEES

- SB 5 X2 (Leno – D, San Francisco) & AB 6 X2 (Cooper – D, Elk Grove) – Electronic Cigarettes
- SB 6 X2 (Monning – D, Carmel) & AB 7 X2 (Stone – D, Scotts Valley) – Smoking in the Workplace
- SB 7 X2 (Hernandez – D, Azusa) & AB 8 X2 (Wood – D, Healdsburg) – Tobacco Products: Minimum Legal Age
- SB 8 X2 (Liu – D, La Canada Flintridge) & AB 9 X2 (Thurmond – D, Richmond; Nazarian – D, Sherman Oaks) – Tobacco Use Programs
- SB 9 X2 (McGuire – D, Healdsburg) & AB 10 X2 (Bloom – D, Santa Monica) – Local Taxes: Authorization: Cigarettes and Tobacco Products
- SB 10 X2 (Beall – D, San Jose) & AB 11 X2 (Nazarian – D, Sherman Oaks) – Cigarette and Tobacco Product Licensing: Fees and Funding
- SB 13 X2 (Pan – D, Sacramento) & AB 16 X2 (Bonta – D, Alameda) – Public health: cigarette and tobacco products: electronic cigarettes: taxes: California Health Care, Research, and Prevention Tobacco Tax Act of 2015

REGULAR SESSION

ONE BILL IS PENDING BEFORE THE GOVERNOR

[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.

Amendments: On April 27, 2015, amendments were added to AB 768 during the Assembly Committee on Governmental Organization hearing to prohibit the use and possession of smokeless tobacco on the playing field during a professional baseball game or practice, and only at professional baseball venues. On May 27, 2015, an additional amendment was accepted during the Assembly Appropriations Committee which specified that AB 768's provisions will not supersede a conflicting provision relating to smokeless tobacco in a collective bargaining agreement that is in effect on January 1, 2016, but will only apply to a collective bargaining agreement that is executed on or after January 1, 2016. Later this amendment was replaced on the floor of the Assembly with a delayed implementation provision, and adds anti-preemption language.

Status: In the Assembly, AB 768 was approved by the Assembly Committee of Arts, Entertainment, Sports, Tourism, and Internet Media by a vote of 4-2, and the Assembly Committee on Governmental Organization by a vote of 15-5 (1 member absent/did not vote). AB 768 passed the Assembly Appropriations Committee by a vote of 12-4 (1 member absent/did not vote) and was approved on the Assembly Floor on June 4, 2015 (53-25 with 2 members absent/did not vote). In the Senate, AB 768 was heard and approved in both the Senate Governmental Organization Committee (7-3 with 3 members absent/did not vote) and the Senate Labor and Industrial Relations Committee (4-1 in favor). AB 768 was approved by the Senate Floor, and now awaits the Governor's action.

THREE BILLS CONTINUE TO MOVE FORWARD IN LEGISLATIVE PROCESS

[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.

Amendments: AB 216 was amended to exclude a drug or medical device that has been approved by the FDA.

Status: AB 216 was approved by the Assembly Committee on Governmental Organization on April 22, 2015 by a vote of 20-0 (1 member absent/did not vote). On April 29, 2015, the bill was heard before the Assembly Appropriations Committee and passed by a vote of 17-0, and was approved on the Assembly Floor (77-0 with 3 members absent/did not vote). AB 216 was approved before the Senate Health Committee and Senate Floor, and is awaiting concurrence (i.e., the approval of previous amendments taken in the other house) of the Senate amendments by the Assembly Floor.

[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 is co-sponsoring this bill with the American Cancer Society Cancer Action Network and American Heart Association.

Amendments: During the Senate Health Committee, accepted amendments specified that tobacco cessation services would cover, at a minimum, four quit attempts and without prior authorization for four of the seven FDA-approved medications.

Status: AB 1162 was approved by the Assembly Committee on Health on April 21, 2015 by a vote of 18-0 (1 member absent/did not vote). AB 1162 passed the Assembly Appropriations Committee on May 28, 2015 by a vote of 12-5 and was approved on the Assembly Floor by a vote of 67-12 (1 member absent/did not vote). On July 8, 2015, AB 1162 was approved unanimously in the Senate Health Committee and after being placed on the suspense file of the Senate Appropriations Committee, passed out of Committee with technical amendments. This bill will now be referred to the Senate Floor.

[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 was approved by the Assembly Committee on Governmental Organization on May 6, 2015 by a vote of 18-0 (3 members absent/did not vote). The bill was heard on the Assembly Floor on May 14, 2015 and passed by a vote of 78-0 (2 members absent/did not vote). AB 1278 was heard in the Senate Committee on Health on Wednesday, June 10, 2015 and was approved by a vote of 8-0. This bill is pending before the Senate Floor.

SPECIAL SESSION

FOURTEEN BILLS WERE INTRODUCED AND ARE MOVING THROUGH COMMITTEES

[SB 5 X2 \(Leno – D, San Francisco\)](#) & [AB 6 X2 \(Cooper – D, Elk Grove\)](#) – Electronic Cigarettes

These bills would change the STAKE Act's definition of tobacco products to include electronic devices, such as electronic cigarettes, requiring retailers to obtain a state license with the Board of Equalization (BOE). It will also include electronic cigarettes in California's smokefree laws and require child-resistant packaging for these products.

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

Status: SB 5 X2 was heard before the Senate Public Health and Developmental Services Committee, where it was passed by a vote of 9-3 (1 absent/did not vote). It was approved by the Senate Fiscal Committee with a vote of 5-2, and was taken up by the Senate Floor on August 27, passing by a vote of 25-13 (2 absent/did not vote). It has been referred to the Assembly. AB 6 X2 was heard on August 25 and approved by the Assembly Public Health and Developmental Services Committee by a vote of 10-2 (1 absent/did not vote), and has been referred to the Assembly Fiscal Committee.

[SB 6 X2 \(Monning – D, Carmel\)](#) & [AB 7 X2 \(Stone – D, Scotts Valley\)](#) – Smoking in the Workplace

These bills expand the prohibition on smoking in a place of employment to eliminate most of the specified exemptions that permit smoking in certain work environments, such as owner operated businesses, hotel lobbies, bars and taverns, banquet rooms, warehouse facilities, and employee break rooms.

Background: The American Lung Association in California, the American Cancer Society Cancer Action Network and American Heart Association support these bills.

Status: SB 6 X2 was heard before the Senate Public Health and Developmental Services Committee, where it was passed by a vote of 9-2 (2 absent/did not vote). It was approved by the Senate Floor on August 27, passing by a vote of 24-13 (3 absent/did not vote). It has been referred to the Assembly. AB 7 X2 was heard on August 25 and approved by the Assembly Public Health and Developmental Services Committee by a vote of 10-3 and has been referred to the Assembly Fiscal Committee.

[SB 7 X2 \(Hernandez – D, Azusa\) & \[AB 8 X2 \\(Wood – D, Healdsburg\\)\]\(#\) – Tobacco Products: Minimum Legal Age](#)

These bills 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 is co-sponsoring these bills with the American Cancer Society Cancer Action Network and American Heart Association.

Status: SB 7 X2 was heard before the Senate Public Health and Developmental Services Committee, where it was passed by a vote of 9-3 (1 absent/did not vote). It was approved by the Senate Fiscal Committee with a vote of 5-2, and was taken up by the Senate Floor on August 27, passing by a vote of 25-11 (4 absent/did not vote). It has been referred to the Assembly. AB 6 X2 was heard on August 25 and approved by the Assembly Public Health and Developmental Services Committee by a vote of 9-4, and has been referred to the Assembly Fiscal Committee.

[SB 8 X2 \(Liu – D, La Canada Flintridge\) & \[AB 9 X2 \\(Thurmond – D, Richmond; Nazarian – D, Sherman Oaks\\)\]\(#\) – Tobacco Use Programs](#)

These bills require all school districts and county offices of education (COEs) to adopt and enforce a tobacco-free campus policy.

Background: The American Lung Association in California, the American Cancer Society Cancer Action Network and American Heart Association support these bills.

Status: SB 8 X2 was heard before the Senate Public Health and Developmental Services Committee, where it was passed by a vote of 9-3 (1 absent/did not vote). It was approved by the Senate Fiscal Committee with a vote of 5-0 (2 absent/did not vote), and was taken up by the Senate Floor on August 27, passing by a vote of 27-10 (4 absent/did not vote). It has been referred to the Assembly. AB 9 X2 was heard on August 25 and approved by the Assembly Public Health and Developmental Services Committee by a vote of 12-0 (1 absent/did not vote) and has been referred to the Assembly Fiscal Committee.

[SB 9 X2 \(McGuire – D, Healdsburg\) & \[AB 10 X2 \\(Bloom – D, Santa Monica\\)\]\(#\) – Local Taxes: Authorization: Cigarettes and Tobacco Products](#)

These bills would authorize counties to adopt local tobacco taxes. This bill specifies that local county taxes that are adopted can apply to incorporated areas within the county.

Background: The American Lung Association in California, the American Cancer Society Cancer Action Network and American Heart Association support these bills.

Status: SB 9 X2 was heard before the Senate Public Health and Developmental Services Committee, where it was passed by a vote of 9-2 (2 absent/did not vote). It was approved by the Senate Floor on August 27, passing by a vote of 23-15 (2 absent/did not vote). It has been referred to the Assembly. AB 10 X2 was heard on August 25 and approved by the Assembly Public Health and Developmental Services Committee by a vote of 9-4 and has been referred to the Assembly Floor.

[SB 10 X2 \(Beall – D, San Jose\) & \[AB 11 X2 \\(Nazarian – D, Sherman Oaks\\)\]\(#\) – Cigarette and Tobacco Product Licensing: Fees and Funding](#)

These bills would establish an annual Board of Equalization (BOE) tobacco licensing fee that is sufficient to cover the cost of administering and enforcing the program and requires the BOE to conduct a report to determine if the fee established in the bill is sufficient to cover those costs.

Background: The American Lung Association in California, the American Cancer Society Cancer Action Network and American Heart Association support these bills.

Status: SB 10 X2 was heard before the Senate Public Health and Developmental Services Committee, where it was passed by a vote of 9-3 (1 absent/did not vote). It was approved by the Senate Fiscal Committee with a vote of 5-2, and was taken up by the Senate Floor on August 27, passing by a vote of 24-15 (1 absent/did not vote). It has been referred to the Assembly. AB 11 X2 was heard on August 25 and approved by the Assembly Public Health and Developmental Services Committee by a vote of 9-4 and has been referred to the Assembly Fiscal Committee.

[SB 13 X2](#) (Pan – D, Sacramento) & [AB 16 X2](#) (Bonta – D, Alameda) – Public health: cigarette and tobacco products: electronic cigarettes: taxes: California Health Care, Research, and Prevention Tobacco Tax Act of 2015

These bills would increase the state tobacco tax by a \$2 per pack tax on tobacco products.

Background: The American Lung Association in California, the American Cancer Society Cancer Action Network and American Heart Association support these bills.

Status: SB 13 X2 and AB 16 X2 were introduced on August 26 and have been referred to the Public Health and Developmental Services Committee in each respective house.

The Center's Bill Tracker (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: August 31, 2015

If you have questions about this analysis, please contact Samantha Pellon (Samantha.Pellon@lung.org) or Lindsey Freitas (lindsey.freitas@lung.org).

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