

Legislative Update: July 17, 2015

The deadline for policy committees to meet and report on bills during regular legislative session is today, Friday, July 17. Four tobacco-related bills were approved in committee and are moving forward in the legislative process, while several others did not.

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, twelve tobacco-related bills (six 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

FOUR BILLS WERE APPROVED IN COMMITTEE AND CONTINUE TO MOVE FORWARD

- AB 216 (Garcia – D, Bell Gardens) – Product Sales to Minors: Vapor Products
- AB 768 (Thurmond – D, Richmond) – Tobacco Free Baseball Act
- AB 1162 (Holden – D, Pasadena) – Medi-Cal Cessation
- AB 1278 (Gray – D, Merced) – Cigarettes and Tobacco Products: Identification Requirements

THREE BILLS WERE HELD IN COMMITTEE AND WILL NOT MOVE FORWARD THIS YEAR

- SB 140 (Leno – D, San Francisco) – Electronic Cigarettes
- SB 151 (Hernandez – D, Azusa) – Tobacco Products: Minimum Legal Age
- SB 438 (HILL – D, San Mateo) – Electronic Cigarettes

ONE BILL IS TAX-RELATED AND DOES NOT FOLLOW THE LEGISLATIVE DEADLINE

- SB 591 (Pan – D, Sacramento) – Cigarette and Tobacco Products Taxes: California Tobacco Tax Act of 2015

SPECIAL SESSION

TWELVE BILLS WERE INTRODUCED

- 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

REGULAR SESSION

FOUR BILLS WERE APPROVED IN COMMITTEE AND CONTINUE TO MOVE FORWARD

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 unanimously on June 24, 2015 before the Senate Health Committee and has been referred to the Senate Floor.

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 members 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 has been referred to the Senate 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 is scheduled to be heard August 17th in the Senate Appropriations Committee.

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 has been referred to the Senate Floor.

THREE BILLS WERE HELD IN COMMITTEE AND WILL NOT MOVE FORWARD THIS YEAR

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 (BOE). 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.

Amendments: On June 1, 2015, amendments were added to SB 140 to define smoking, add a licensing provision to cover BOE costs, and further clarify the definition of tobacco products.

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 passed the Senate Appropriations Committee on May 28, 2015 by a vote of 5-2 and was approved on the Senate Floor 25-12 (3 members absent/did not vote). On July 8, 2015, SB 140 was held in the Assembly Committee on Governmental Organization after amendments were voted into the bill that would have removed electronic cigarettes from the definition of tobacco product.

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

Status: SB 151 was approved unanimously by the Senate Committee on Health on April 8, 2015. SB 151 passed the Senate Appropriations Committee on May 28, 2015 by a vote of 5-2 and was then heard on the Senate Floor on June 2, 2015. SB 151 passed the Senate Floor by a vote of 29-9 (2 members absent/did not vote). This bill was scheduled to be heard in the Assembly Committee on Governmental Organization on July 8, 2015, but was held in Committee.

SB 438 (Hill – D, San Mateo) – Electronic Cigarettes

This bill would require all cartridges for electronic cigarettes and solutions for filling and refilling an electronic cigarette to be in child-resistant packaging.

Status: On June 29, 2015, SB 438 was amended to require child-resistant packaging for electronic cigarettes. The original bill was not tobacco related. This bill was scheduled to be heard in the Assembly Committee on Governmental Organization on Wednesday, July 15, 2015, but was held in Committee.

ONE BILL IS TAX-RELATED AND DOES NOT FOLLOW THE LEGISLATIVE DEADLINE

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, from 87 cents per cigarette pack to \$2.87 per pack.

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 591 was approved by the Senate Committee on Governance and Finance on April 22, 2015 by a vote of 5-2. This bill was referred to the Senate Committee on Health and heard on April 29, 2015, where it passed by a vote of 6-2. SB 591 passed the Senate Appropriations Committee on May 28, 2015 by a vote of 5-2. This bill does not need to meet the same deadlines as regular bills and remains on the Senate Floor.

SPECIAL SESSION

TWELVE BILLS WERE INTRODUCED (SIX BILLS INTRODUCED JOINTLY IN BOTH HOUSES)

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.

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

These bills expands 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.

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.

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

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

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.

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.

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: July 17, 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/.