

Legislative Update: July 6, 2016



California Legislative Update

The deadline for policy committees to meet and report on bills during the regular legislative session was Friday, June 1st. Six Tobacco-related bills were approved in committee and are moving forward in the legislative process, while two others did not. The legislature is now on summer recess and will reconvene on Monday, August 1st.

The following six bills continue to move forward:

- AB 1594 (McCarty – D, Sacramento) – Public postsecondary education: prohibitions of using tobacco and smoking on campuses
- AB 1696 (Holden – D, Pasadena) – Medi-Cal: Tobacco cessation services
- AB 1901 (Quirk – D, Hayward) – Taxation: cigarettes: unaffixed stamps
- AB 2770 (Nazarian – D, Sherman Oaks) – Cigarette and tobacco product licensing: fees and funding
- SB 977 (Pan – D, Sacramento) – Tobacco: youth sports events
- SB 1333 (Block – D, San Diego) – State beaches and parks: smoking ban

The following two bills will no longer move forward:

- SB 1400 (Wieckowski – D, Hayward) – Retail tobacco licenses
- SB 1470 (Wieckowski – D, Hayward) – Tobacco store definition

Six bills were approved by policy committees and will move forward:**AB 1594 (McCarty – D, Sacramento) – Public postsecondary education: prohibitions of using tobacco and smoking on campuses**

Assembly Bill 1594 seeks to expand the smoke free policy adopted by the University of California system and apply it to the California State University System and the community college system. This bill included electronic cigarettes. **Status:** This bill was heard in the Assembly Higher Education Committee on March 15th where it was approved by a vote of 10-3. On April 13th the bill was approved by the Assembly Appropriations Committee by a vote of 14-6. The bill was approved by the full Assembly floor 48-24 (8 members abstaining/not voting) on April 25, 2016 and moved to the Senate. On June 8th, the Senate Education Committee approved the bill 7-2. The bill is now with the Senate Appropriations Committee with an August 1st hearing date.

AB 1696 (Holden – D, Pasadena) – Medi-Cal: Tobacco Cessation Services

Assembly Bill 1696 is a reintroduction of a bill (AB 1162) that was vetoed by the governor in October. This bill would ensure that Medi-Cal recipients receive comprehensive cessation services including a minimum of four quit attempts, with limited barriers to access for cessation medications. New to the bill this year are reporting requirements on total patients who smoke within Medi-Cal and provisions that will make it easier for the California Smoker's Helpline to provide services to Medi-Cal patients.

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: This bill was heard in the Assembly Health Committee on March 15, 2016 where it was approved by a vote of 17-1 (1 member abstaining/not voting). On April 13th, the bill was referred to the Assembly Appropriations Committee where it was held on the suspense file. On May 27th, the bill was approved 14-6 by the Assembly Appropriations Committee. The bill was approved 63-14 (3 members abstaining/not voting) by the full Assembly floor on June 2, 2016. The bill was approved 8-1 by the Senate Health Committee on June 22nd. It is now with the Senate Appropriations Committee with an August 1st hearing date.

AB 1901 (Quirk – D, Hayward Taxation) – Taxation: cigarettes: unaffixed stamps

Assembly Bill 1901 would clarify the definition of "unaffixed stamps" as it relates to the tax stamps used to collect tobacco taxes. By doing so, they would empower the Board of Equalization to seize these stamps when necessary.

Status: This bill was approved by the Assembly Governmental Organization Committee 18-0 (3 members abstaining/not voting) on April 7th and referred to the Assembly Committee on Revenue and Taxation where it was approved 9-0 on April 19th. On April 27, 2016 the Assembly Appropriations Committee passed the bill 19-0 (2 members abstaining/not voting). The bill was approved by the full Assembly floor 79-0 (1 member abstaining/not voting) on May 5, 2016. On June 29th, the Senate Governance and Finance Committee approved the bill 7-0 and it has been assigned an August 1st hearing date with the Senate Appropriations Committee.

AB 2770 (Nazarian – D, Sherman Oaks) – Cigarette and tobacco product licensing: fees and funding

Assembly Bill 2770 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. Originally, this bill was introduced as an identical version to the special session bill recently passed and signed into law by the Governor that sought to establish an annual tobacco licensing fee. Amendments made to the bill on May 12th require that the Board of Equalization report on the excess balance in the Cigarette and Tobacco Tax Compliance Fund.

Status: This bill was approved by the Assembly Governmental Organization Committee 12-8 (1 member abstaining/not voting) on April 20, 2016. On May 18, 2016 the bill was approved 14-6 by the Assembly Appropriations Committee. The bill was approved by the full Assembly floor 44-26 (10 members abstaining/not voting) on May 27, 2016. On June 27th, the Senate Business, Professions, and Economic Development Committee approved the bill 8-0 (1 member abstaining/not voting). It is now with the Senate Appropriations Committee with a hearing date set for August 1st.

[SB 977](#) (Pan – D, Sacramento) – Tobacco: youth sports events

Senate Bill 977 would prohibit the use of tobacco products within 250 feet of a youth sports event. Violators are guilty of an infraction and subject to a fine of no more than \$100.

Status: This bill was approved by the Senate Health Committee 9-0 on April 13, 2016. It was then approved by the full Senate floor 33-5 (2 members abstaining/not voting) on May 26, 2016. The Assembly Arts, Entertainment, Sports, Tourism, and Internet Media Committee approved the bill 6-1 on July 5th. The bill was then approved 13-5 (2 members abstaining/not voting) by Assembly Appropriations Committee on June 29th. It now awaits a vote on the full Assembly floor.

[SB 1333](#) (Block – D, San Diego) – State beaches and parks: smoking ban

Senate Bill 1333 would prohibit smoking, including electronic cigarettes, at state beaches and state parks. Violators would be guilty of an infraction and a fine of no more than \$250. Requires signs to be posted on state beaches and state parks.

Status: This bill was approved by the Senate Natural Resources and Water Committee 7-0 on April 12th. On May 9th, the bill was referred to the Senate Appropriations Committee where it was held on the suspense file. On May 27th, the bill was approved 6-1 by the Senate Appropriations Committee. The bill was approved by the full Senate floor 28-11 (1 member abstaining/not voting) on May 31, 2016. The Assembly Water, Park, and Wildlife Committee approved the bill in a 9-5 (1 member abstaining/not voting) vote and the bill now awaits a hearing date in the Assembly Appropriations Committee.

Two bills failed to move to a vote and will no longer move forward:**[SB 1470](#) (Wieckowski – D, Hayward) – Tobacco store definition**

Senate Bill 1470 would make technical changes to the definition of tobacco store to include the sale of tobacco paraphernalia. It is possible that this bill is a “spot bill” meaning that it was introduced containing minimal detail or non-substantive changes to existing law. This is done in order to meet the deadline to introduce legislation, and allows the author to amend the bill once language and/or policy has been decided upon.

Status: This bill was approved 6-1 (2 members abstaining/not voting) by the Senate Business, Professions and Economic Development Committee on April 12th. The bill was approved by the full Senate floor 25-10 (5 members abstaining/not voting) on April 28, 2016. After being referred to both the Assembly Committee on Business and Professions and the Assembly Governmental Organization Committee, this bill did not receive a hearing, and missed the June 1st deadline. This bill will not continue to move.

[SB 1400](#) (Wieckowski – D, Hayward) – Retail tobacco licenses

Senate Bill 1400 would limit the sale of tobacco products to tobacco-only stores. Tobacco-only stores are defined as stores that primarily sell tobacco, generate more than 60% of their revenue from that sale, and prohibit the entrance of minors under the age of 18.

Status: This bill was approved by the Senate Committee on Business, Professions and Economic Development 6-1 (two members abstaining) on April 12th. On April 25, 2016, the bill was referred to the Senate Appropriations Committee where it was held on the suspense file. On May 27th, the bill was approved 5-2 by the Senate Appropriations Committee. On June 2, 2016, the bill was approved 21-16 (3 members abstaining/not voting) by the full Senate floor. The bill failed to move to a vote during its June 28th hearing in the Assembly Committee on Business and Professions. The bill will no longer move forward.

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 2016.

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 6, 2016

*If you have questions about this analysis, please contact Diana Douglas (diana.douglas@lung.org).
Sources: Copies of the legislation outlined above and vote information may be obtained at www.leginfo.legislature.ca.gov/.*