

Legislative Update: June 11, 2015

The deadline for bills to be approved out of their house of origin (i.e., the location where the bill was originally introduced) has passed (June 5). Bills that failed to make it out of their house of origin will not move forward this legislative year. Four tobacco-related bills were approved on the Senate and Assembly Floor last week, joining the other two bills that already made it through this process.

Below is the legislative update with summaries and status updates for the active 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).

- **FOUR BILLS WERE APPROVED ON THE SENATE & ASSEMBLY FLOOR**
 - o AB 768 (Thurmond – D, Richmond) – Tobacco Free Baseball Act
 - o AB 1162 (Holden – D, Pasadena) – Medi-Cal Cessation
 - o SB 140 (Leno – D, San Francisco) – Electronic Cigarettes
 - o SB 151 (Hernandez – D, West Covina) – Tobacco Products: Minimum Legal Age

- **TWO BILLS CONTINUE TO MOVE THROUGH THE LEGISLATIVE PROCESS**
 - 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

- **TWO BILLS DID NOT PASS THE SENATE & ASSEMBLY FLOOR AND WILL NOT MOVE FORWARD THIS YEAR**
 - o SB 24 (Hill – D, San Mateo) – STAKE Act: Electronic Cigarettes
 - o AB 1396 (Bonta – D, Alameda) – Medi-Cal

- **ONE BILL IS TAX-RELATED AND DOES NOT FOLLOW THE LEGISLATIVE DEADLINE**
 - o SB 591 (Pan – D, Sacramento) – Cigarette and Tobacco Products Taxes: California Tobacco Tax Act of 2015



FOUR BILLS WERE APPROVED ON THE SENATE & ASSEMBLY 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.

Amendments: On April 27, 2015, amendments were added to AB 768 during the Assembly Committee on Governmental Organization hearing to now 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.

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. The bill was then heard in the Assembly Committee on Governmental Organization on April 27, 2015 and was approved with amendments 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 then heard on the Assembly Floor on June 4, 2015. AB 768 passed the Assembly Floor by a vote of 53-25 (2 members absent/did not vote) and has moved to the Senate where it awaits assignment to a Committee.

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.

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 then heard on the Assembly Floor on June 3, 2015. AB 1162 passed the Assembly Floor by a vote of 67-12 (1 member absent/did not vote) and has moved to the Senate where it awaits assignment to a Committee.

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 then heard on the Senate Floor on June 2, 2015. SB 140 passed the Senate Floor by a vote of 25-12 (3 members absent/did not vote) and has moved to the Assembly where it awaits assignment to a Committee.

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) and has moved to the Assembly where it awaits assignment to a Committee.

TWO BILLS CONTINUE TO MOVE THROUGH THE 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. After being heard on May 4, 2015 before the Assembly Floor, AB 216 passed by a vote of 77-0 (3 members absent/did not vote). AB 216 has been referred to the Senate Committee on Health.

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 7-0.

TWO BILLS DID NOT PASS THE SENATE & ASSEMBLY FLOOR AND WILL NOT MOVE FORWARD THIS YEAR

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.

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. SB 24 was amended on June 1, 2015, adding language to make the bill consistent with raising the tobacco purchase age should SB 151 pass and become effective.

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.

Status: SB 24 was approved by the Senate Committee on Health on April 15, 2015 by a vote of 6-0 (with 3 members absent/did not vote). SB 24 passed the Senate Appropriations Committee on May 28, 2015 by a vote of 6-1 and was heard on the Senate Floor on June 2, 2015. SB 24 did not receive enough votes to pass out of the Senate Floor, with a final vote count of 20-12, and failed to move forward this year.

AB 1396 (Bonta – D, Alameda) – Medi-Cal

Assembly Bill 1396 is the compliment bill to SB 591 (above), and would appropriate the funds raised by the new tax revenue from the \$2 increase to increase access to care for Medi-Cal patients, support existing statewide programs to prevent youth from using tobacco, stop illegal sales of tobacco, and increase funding for medical research.

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: AB 1396 was approved by the Assembly Committee on Health on April 22, 2015 by a vote of 13-5 (1 member absent/did not vote). AB 1396 passed the Assembly Appropriations Committee on May 28, 2015 by a vote of 12-5, but failed to meet the legislative deadline to pass out of the Assembly.

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.

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: June 11, 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/.