

Legislative Update: March 19, 2015

Things are starting to heat up at the Capitol as several bills have been assigned hearing dates. Over the next several months, various committees will hold hearings and vote on these bills as they move forward in the legislative process.

The key deadlines for the 2015 legislative session are June 5 (deadline for bills to pass the full house they were introduced in) and September 11 (end of legislative session and deadline for all bills to be passed and sent to the Governor).

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).



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 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. 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: AB 261 has not yet been referred to a 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 has been referred to Assembly Committee on Governmental Organization and Assembly Committee of Arts, Entertainment, Sports, Tourism, and Internet Media and is awaiting a hearing date for both committees.

[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 not yet been referred to a committee.

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

Assembly Bill 1238 would make a minor language edit in the Revenue and Taxation Code as it relates to the Cigarette and Tobacco Products Tax Law. 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: AB 1238 has not yet been referred to a 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 has not yet been referred to a committee.

[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.

Status: SB 24 has been referred to the Senate Committee on Health and is scheduled to be heard on April 8, 2015

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 has been referred to the Senate Committee on Health and is scheduled to be heard on April 8, 2015.

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 has been referred to the Senate Committee on Health and is scheduled to be heard on April 8, 2015.

TOBACCO TAX

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 the Senate Committee on Health and is awaiting a hearing date.

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 not yet been referred to a committee.

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, March 19, 2015

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