

## Legislative Update: May 18, 2015

The deadline for bills to be approved by their first policy committee has passed (May 15). Bills that failed to make this deadline will not move further this year. The legislative session now approaches the last day for fiscal committees to hear and report on bills that have been referred to the suspense file (an administrative holding place for bills with a price tag higher than \$150,000, which requires a special vote to continue to move). Six bills have been placed on the suspense file, while two bills are moving forward in the legislative process.

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).



- **TWO BILLS PASSED OUT OF THE ASSEMBLY**
  - 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
  
- **SIX BILLS WERE HELD IN APPROPRIATIONS COMMITTEE**
  - o AB 1162 (Holden – D, Pasadena) – Medi-Cal Cessation
  - o SB 24 (Hill – D, San Mateo) – STAKE Act: Electronic Cigarettes
  - o SB 140 (Leno – D, San Francisco) – Electronic Cigarettes
  - o SB 151 (Hernandez – D, West Covina) – Tobacco Products: Minimum Legal Age
  - o SB 591 (Pan – D, Sacramento) – Cigarette and Tobacco Products Taxes: California Tobacco Tax Act of 2015
  - o AB 1396 (Bonta – D, Alameda) – Medi-Cal
  
- **ONE BILL IS PENDING BEFORE A FISCAL COMMITTEE**
  - o AB 768 (Thurmond – D, Richmond) – Tobacco Free Baseball Act
  
- **TWO BILLS MISSED THE DEADLINE TO ADVANCE AND WILL NOT MOVE FORWARD THIS YEAR**
  - o AB 48 (Stone – D, Santa Cruz) – Cigarettes: Single-use Filters
  - o AB 261 (Allen – R, Huntington Beach) – Cigarettes and Tobacco Products: Retailers: Licenses

## **TWO BILLS PASSED OUT OF THE ASSEMBLY**

### **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) and has now been referred to the Senate Committee on Health where it awaits a hearing date.

### **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 has been referred to the Senate where it awaits assignment to a Committee.

## **SIX BILLS WERE HELD IN APPROPRIATIONS 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 was referred to the Assembly Appropriations Committee where it is being held on the suspense file, which requires a special vote to get out of the 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.

**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.

**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 was referred to the Senate Appropriations Committee where it is being held on the suspense file, which requires a special vote to get out of the 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. 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 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 was referred to the Senate Appropriations Committee where it is being held on the suspense file, which requires a special vote to get out of the 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 was referred to the Senate Appropriations Committee where it is being held on the suspense file, which requires a special vote to get out of the committee.

### **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 was referred to the Senate Appropriations Committee where it is being held on the suspense file, which requires a special vote to get out of the committee.

### **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). The bill was referred to the Assembly Appropriations Committee where it is being held on the suspense file, which requires a special vote to get out of the committee.

## **ONE BILL IS PENDING BEFORE A FISCAL 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.

**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.

**Background:** The American Lung Association in California, American Cancer Society Cancer Action Network, and American Heart Association support this bill.

**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 members absent/did not vote). AB 768 has been referred to the Assembly Appropriations Committee and awaits a hearing date.

## **TWO BILLS MISSED THE DEADLINE TO ADVANCE AND WILL NOT MOVE FORWARD THIS YEAR**

### **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.

### **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.

**Amendments:** Current law prohibits a person from maintaining or operating a place of business in which drug paraphernalia is sold unless it is displayed within a separate room to which minors are not permitted unless accompanied by a parent or legal guardian. AB 261 was amended on March 26, 2015 to also prohibit drug paraphernalia from being sold unless the person operating said business has a license to engage in the sale of cigarette or tobacco products, and derives at least 50% of its annual gross revenues from the retail sale of cigarettes or tobacco products.

**Status:** AB 261 has been referred to the Assembly Committee on Governmental Organization.

The Center's Bill Tracker ([www.center4tobaccopolicy.org/bill-tracker/](http://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: May 18, 2015*

*If you have questions about this analysis, please contact Samantha Pellon ([Samantha.Pellon@lung.org](mailto:Samantha.Pellon@lung.org)) or Lindsey Freitas ([lindsey.freitas@lung.org](mailto:lindsey.freitas@lung.org)) or Kimberly Amazeen ([Kimberly.Amazeen@lung.org](mailto: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/](http://www.leginfo.legislature.ca.gov/).*