



California Legislative Update

With the May 6th policy committee deadline approaching, April has been a busy time at the state Capitol. All bills must receive a vote in a policy committee in the house where they were introduced by this deadline or they will fail to move forward. There are currently nine tobacco-related bills moving in the legislature.

Nine new bills that have received votes so far this year:

- 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 2169 (Allen – R, Huntington Beach) – Drug Paraphernalia Retailers
- 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
- SB 1400 (Wieckowski – D, Hayward) – Retail tobacco licenses
- SB 1470 (Wieckowski – D, Hayward) – Tobacco store definition

Six special session tobacco bills have moved to the Governor's desk and await his signature:

- AB 7 X2 (Stone – D, Scotts Valley) – Smoking in the Workplace
- AB 9 X2 (Thurmond – D, Richmond; Nazarian – D, Sherman Oaks) – Tobacco Use Programs
- AB 10 X2 (Bloom – D, Santa Monica) – Local Taxes: Authorization: Cigarettes and Tobacco Products
- AB 11 X2 (Nazarian – D, Sherman Oaks) – Cigarette and Tobacco Product Licensing: Fees and Funding
- SB 5 X2 (Leno – D, San Francisco) – Electronic Cigarettes
- SB 7 X2 (Hernandez – D, Azusa) – Tobacco Products: Minimum Legal Age

For more information on the special session bills, see our [September 14, 2015](#) update.

Bills Moving Forward in 2016

Two bills were approved in their house of origin:

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 is now awaiting committee assignment in the Senate.

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 and is now awaiting committee assignment in the Assembly.

One bill was approved by the Appropriations Committee:

AB 1901 (Quirk – D, Hayward) – 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. The Assembly Committee on Revenue and Taxation approved the bill 9-0 on April 19th. On April 27, 2016 the Appropriations Committee passed the bill 19-0 (2 members abstaining/not voting). The bill now awaits a floor vote before the full Assembly.

Three bills have been approved by their policy committees:

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.

Status: This bill was approved by the Assembly Governmental Organization Committee 12-8 (1 member abstaining/not voting) on April 20, 2016. The bill has been referred to the Assembly Appropriations Committee and awaits a hearing date. This bill is substantially similar to a bill that is currently awaiting the Governor’s approval. Should that happen, this bill will cease to move.

[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 18, 2016. It has been referred to the Senate Appropriations Committee where it awaits a hearing date.

[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. It has been referred to the Senate Appropriations Committee with a hearing date set for May 5, 2016.

Two bills are being held on suspense in their respective Appropriations Committees:

[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). 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.

[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 is being held on the suspense file, which requires a special vote to get out of the committee.

One bill failed to pass and will no longer move forward:

[AB 2169](#) (Allen – R, Huntington Beach) – Drug Paraphernalia Retailers

Assembly Bill 2169 seeks to prohibit the sale of illegal drug paraphernalia. Current law allows for drug paraphernalia to be displayed in stores as long as it is kept separate from the rest of the store. This bill would remove that law.

Status: The bill failed to pass 1-5 (1 member abstaining/not voting) at the Assembly Public Safety Committee hearing on April 21, 2016.



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: May 4, 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/.