

# Legislative Update: September 7, 2016



## California Legislative Update

The 2016 legislative session has come to a close, and with it, the deadline for regular session bills to make it out of the Legislature and to the Governor's desk. The deadline for the Governor to either sign or veto bills is September 30<sup>th</sup>.

The following six bills have been approved by the Legislature and await the Governor's action:

- 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

**Six bills were approved by the Legislature and are pending before the Governor:****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 15<sup>th</sup> where it was approved by a vote of 10-3. On April 13<sup>th</sup> 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 8<sup>th</sup>, the Senate Education Committee approved the bill 7-2. On August 11<sup>th</sup>, the bill was approved 5-2 by the Senate Appropriations Committee. The bill was approved by the Senate Floor 26-12 (1 member abstaining/not voting) on August 23<sup>rd</sup>, and amendments were approved on the Assembly Floor 52-27 (1 member abstaining/not voting). The bill now awaits the Governor's action.

**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. 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 13<sup>th</sup>, the bill was referred to the Assembly Appropriations Committee where it was held on the suspense file. On May 27<sup>th</sup>, 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 22<sup>nd</sup>. It was approved 5-2 by the Senate Appropriations Committee on August 11<sup>th</sup>. The Senate Floor approved the bill 29-8 (2 members abstaining/not voting) on August 16<sup>th</sup>, and amendments were approved by the Assembly Floor 62-17 (1 member abstaining/not voting). The bill now awaits the Governor's action.

**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 7<sup>th</sup> and referred to the Assembly Committee on Revenue and Taxation where it was approved 9-0 on April 19<sup>th</sup>. 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 29<sup>th</sup>, the Senate Governance and Finance Committee approved the bill 7-0. The bill was approved 7-0 by the Senate Appropriations Committee on August 1<sup>st</sup>. The Senate Floor approved the bill 36-0 (3 members abstaining/not voting) on August 18<sup>th</sup>, and amendments were approved by the Assembly Floor 80-0. The bill now awaits the Governor's action.

**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 12<sup>th</sup> 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 27<sup>th</sup>, the Senate Business, Professions, and Economic Development Committee approved the bill 8-0 (1 member abstaining/not voting). The bill was approved 5-2 by the Senate Appropriations Committee on August 11<sup>th</sup>. On August 17<sup>th</sup>, the full Senate Floor approved the bill 27-11 (1 member abstaining/not voting). The Assembly Floor approved amendments 50-28 (2 members abstaining/not voting) on August 31<sup>st</sup>, and the bill now awaits the Governor's action.

**[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 5<sup>th</sup>. The bill was then approved 13-5 (2 members abstaining/not voting) by Assembly Appropriations Committee on June 29<sup>th</sup>. The full Assembly Floor approved the bill 61-18 (1 member abstaining/not voting) and the bill now awaits the Governor's action.

**[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 12<sup>th</sup>. On May 9<sup>th</sup>, the bill was referred to the Senate Appropriations Committee where it was held on the suspense file. On May 27<sup>th</sup>, 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. On August 11<sup>th</sup>, the Assembly Appropriations Committee approved the bill 11-4 (5 members abstaining/not voting). The Assembly Floor approved amendments to the bill 73-0 (7 members abstaining/not voting) on August 19<sup>th</sup> and approved the bill 50-26 (4 members abstaining/not voting) on August 25<sup>th</sup>. The bill now awaits the Governor's action.

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 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: September 7, 2016**

*If you have questions about this analysis, please contact Diana Douglas ([diana.douglas@lung.org](mailto:diana.douglas@lung.org)).*

*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/).*