



## California Legislative Update

With the legislature back in session following its spring recess, committee hearings are in full swing and will continue as bills move forward in the legislative process. The next deadline we have coming up is April 28<sup>th</sup>, which is the last date for policy committees to hear fiscal bills and refer them to appropriations committees.

### Seven tobacco-related bills are moving through the legislature:

- [AB 62](#) (Wood – D, Healdsburg) - Public housing: smoke-free policy
- [AB 725](#) (Levine – D, San Rafael) - State beaches and parks: smoking ban
- [AB 1143](#) (Gray – D, Merced) – Marijuana outdoor advertising: prohibitions
- [AB 1205](#) (Ridley-Thomas – D, Los Angeles) – Taxation
- [SB 719](#) (Anderson – R, Alpine) - STAKE Act: definitions
- [SB 386](#) (Glazer – D, Orinda) - State beaches and parks: smoking ban
- [SB 631](#) (Nielsen – R, Gerber) - Nitrous oxide: retail sales

### Two bills that were tobacco-related when introduced are no longer tobacco-related following amendments. These bills will not be tracked going forward:

- [AB 1003](#) (Bloom – D, Santa Monica) - Risk reduction: tobacco use prevention
- [SB 254](#) (Portantino – D, La Canada Flintridge) – Delivery network companies

# Legislative Update: April 24, 2017



## Bills Moving Forward in 2017

### Five bills are moving along through the committee process:

#### **AB 62 (Wood – D, Healdsburg) – Public housing: smoke-free policy**

AB 62 would require all public housing agencies to implement a policy prohibiting the smoking of tobacco products, including electronic cigarettes, in all public housing living units, interior areas, and outdoor areas within 25 feet of public housing and administrative buildings, except in designated smoking areas, by July 30, 2018. This would codify the federal smokefree housing rule adopted by the US department of housing and urban development into California code, utilizing the current definition of tobacco product for California. The bill would exempt dwelling units in a mixed-finance project from these provisions. On Feb. 7<sup>th</sup>, amendments were taken to clarify that privately-owned housing is not included in the bill and on March 27<sup>th</sup>, amendments were taken that encourage a graduated enforcement framework that included tenant education and warnings.

**Status:** AB 62 was referred to the Assembly Committee on Housing and Community Development and awaits its hearing date of April 26<sup>th</sup>.

#### **AB 725 (Levine – D, San Rafael) - State beaches and parks: smoking ban**

AB 725 would make it an infraction for a person to smoke on a state coastal beach or in a unit of the state park system or to dispose of used cigar or cigarette waste on a state coastal beach or in a unit of the state park system. This bill would require the Department of Parks and Recreation to develop and post signs at state coastal beaches and units of the state park system to provide notice of the smoking prohibition. The bill would require the smoking prohibition to be enforced only after signs have been posted. The bill would authorize the Director of Parks and Recreation to designate, by posted order, areas within units of the state park system as exempt from these provisions.

**Status:** AB 725 was heard in the Assembly Committee on Water, Parks, and Wildlife on March 21<sup>st</sup> and passed by a vote of 8-4. The bill has been 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.

#### **AB 1143 (Gray – D, Merced) – Marijuana outdoor advertising: prohibitions**

AB 1143 would include marijuana in existing regulations which restrict the outdoor advertising of tobacco and alcohol products adjacent to highways. Because this bill would build upon existing tobacco regulations, it will be tracked as a tobacco-related bill.

**Status:** AB 1143 has been referred to the Assembly Committee on Governmental Organization where it awaits a hearing date.

#### **SB 386 (Glazer – D, Orinda) - State beaches and parks: smoking ban**

SB 386 would make it an infraction for a person to smoke on a state coastal beach or in a unit of the state park system or to dispose of used cigar or cigarette waste on a state coastal beach or in a unit of the state park system. This bill would require the Department of Parks and Recreation to develop and post signs at state coastal beaches and units of the state park system to provide notice of the smoking prohibition. The bill would require the smoking prohibition to be enforced only after signs have been posted.

**Status:** SB 386 was approved 7-2 by the Senate Committee on Natural Resources and Water on March 28<sup>th</sup>. The bill has been 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 631 (Nielsen – R, Gerber) - Nitrous oxide: retail sales**

SB 631 would prohibit any retailer of tobacco or tobacco-related products from selling, offering, or exposing for sale nitrous oxide.

# Legislative Update: April 24, 2017



**Status:** SB 631 was approved 7-0 by the Senate Committee on Public Safety on March 28<sup>th</sup>. Amendments removed a section stating that retail employees in addition to retailers would be held liable and that changed the bill so that it only applies to retailers who primarily sell tobacco products. The bill was heard in the Senate Committee on Business, Professions, and Economic Development on April 24<sup>th</sup> with results pending.

## **Two “spot bills” are still awaiting amendments to clarify their purpose:**

### **AB 1205 (Ridley-Thomas – D, Los Angeles) - Taxation**

AB 1205 would require cigarette and tobacco product distributors to have been free of delinquent report filings and returns for four years instead of three in order to defer tax stamp payments without having to provide a security deposits. 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 1205 was referred to the Assembly Committee on Revenue and Taxation and with a May 8<sup>th</sup> hearing date scheduled.

### **SB 719 (Anderson – R, Alpine) - STAKE Act: definitions**

SB 719 would make minor changes to the definition of tobacco products in the STAKE Act. 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:** SB 719 is waiting for referral to committee.

## **Two bills have been amended to no longer be tobacco-related and will not be tracked going forward:**

### **SB 254 (Portantino – D, La Canada Flintridge) – Delivery Network Companies**

SB 254 would prohibit delivery network companies from delivering alcohol or tobacco products unless they have a system verified by the Department of Alcoholic Beverage Control designed to prevent deliveries to people under 21 years old. The bill was amended on March 30<sup>th</sup> to no longer include tobacco products.

**Status:** We will no longer be tracking this bill as it is not tobacco-related following amendments.

### **AB 1003 (Bloom – D, Santa Monica) - Risk reduction: tobacco use prevention**

AB 1003 as introduced as a spot bill and has now been amended to be non-tobacco related. It is now focused on establishing a Healthy California Fund.

**Status:** We will no longer be tracking this bill as it is not tobacco related following amendments.

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 2017-2018 legislative session. The Bill Tracker contains up-to-date information with full summaries, status updates and other information about pertinent bills introduced in 2017.

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: April 24, 2017**

*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/).*