



## California Legislative Update

This past Friday, June 2<sup>nd</sup> marked a major legislative deadline, at which point all bills must have been approved by a full floor vote in their house of origin. Bills that failed to make it out of their house of origin will no longer move forward.

### Five 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 1205](#) (Ridley-Thomas – D, Los Angeles) – Taxation

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

[SB 631](#) (Nielsen – R, Gerber) - Nitrous oxide: retail sales

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## Bills Moving Forward in 2017

### Five bills were approved in their house of origin:

#### **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:** On May 24<sup>th</sup>, the Assembly Appropriations Committee approved the bill 11-5 (1 member abstaining/not voting). AB 62 was approved 48-21 (11 members abstaining/not voting) by the full assembly floor on May 30<sup>th</sup>, 2017. The bill now awaits committee assignment within the Senate.

#### **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. On May 26<sup>th</sup>, the Assembly Appropriations Committee approved the bill 12-5. AB 725 was approved 54-20 (6 members abstaining/not voting) by the full assembly floor on May 31<sup>st</sup>, 2017. The bill now awaits committee assignment within the Senate.

#### **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 approved 9-0 (1 member abstaining/not voting) by the Assembly Committee on Revenue and Taxation on May 8<sup>th</sup>. AB 1205 passed 69-0 (11 members abstaining/not voting) before the full Assembly floor on May 18<sup>th</sup>, 2017. The bill now awaits committee assignment within the Senate.

#### **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.

**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 approved 8-1 (1 member abstaining/not voting) by the Senate Committee on Business, Professions, and Economic Development on April 24<sup>th</sup>. SB 631 passed 39-0 (1 member

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abstaining/not voting) before the full Senate floor on May 15<sup>th</sup>, 2017. The bill now awaits committee assignment within the Assembly.

## **[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> and approved 5-2 by the Senate Appropriations Committee on May 25<sup>th</sup>. SB 386 passed 29-11 before the full Senate floor on May 30<sup>th</sup>, 2017. The bill now awaits committee assignment within the Assembly.

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](#).

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*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/).*