California Legislative Update

Bills are continuing to move through the legislature in advance of the July 21st deadline for all bills to be heard in policy committees. Four tobacco-related bills will continue to move forward in the legislative process, while two others will not. Because this is the first year in a two year legislative session, bills that fail to advance this year may be revisited in 2018. The legislature will begin summer recess on July 21st and will reconvene on Monday August 21st.

Four tobacco-related bills are moving through the legislature:

- **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

Two tobacco-related bills will no longer move forward:

- **AB 62** (Wood – D, Healdsburg) - Public housing: smoke-free policy
- **AB 709** (McCarty – D, Sacramento) – Tobacco products: retailers
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Bills Moving Forward in 2017

Four bills continue to move through the legislature:

**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 21st and passed by a vote of 8-4. On May 26th, 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 31st, 2017. On June 27th the Senate Natural Resources and Water committee approved the bill 6-2 (1 member abstaining/not voting). On July 10th it was referred to the Senate Appropriations Committee where it was placed in the suspense file.

**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 8th. AB 1205 passed 69-0 (11 members abstaining/not voting) before the full Assembly floor on May 18th, 2017. On June 28th the bill was passed 7-0 in the Senate Governance and Finance Committee and now awaits a vote before the full senate floor.

**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 28th. 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 24th. SB 631 passed 39-0 (1 member abstaining/not voting) before the full Senate floor on May 15th, 2017. The bill was then approved 16-0 by Assembly Business and Professions Committee and was re-referred to the Assembly Judiciary Committee on June 27th. The bill now awaits a hearing date in Assembly Judiciary Committee.

**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. On June 28th, amendments were taken that 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.
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Status: SB 386 was approved 7-2 by the Senate Committee on Natural Resources and Water on March 28th and approved 5-2 by the Senate Appropriations Committee on May 25th. SB 386 passed 29-11 before the full Senate floor on May 30th, 2017. The bill was approved by Assembly Water, Parks and Wildlife 10-4 (1 member abstaining/not voting) and referred to the Assembly Appropriations Committee on June 27th. The bill now awaits its July 17th hearing date with the Assembly Appropriations Committee.

Two bills are no longer moving forward:

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. 7th, amendments were taken to clarify that privately-owned housing is not included in the bill and on March 27th, amendments were taken that encourage a graduated enforcement framework that included tenant education and warnings.

Status: On May 24th, 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 30th, 2017. The bill failed to be brought to a committee vote and will no longer move forward this year. Since we are in the first year of a two year legislative session, the bill could be revisited in 2018.

AB 709 (McCarty – D, Sacramento) – Tobacco products: retailers
AB 709 would prohibit retailers from accepting manufacturer coupons, vouchers, rebates, or any other offers that would reduce the sales price of tobacco products below their list price. It would also prohibit retailers from offering multi-package discounts and other promotional offers designed to reduce the sales price. The bill would impose, in addition to existing civil and criminal penalties, specific civil penalties for violations of the bill. AB 709 was not originally a tobacco-related bill, but was amended after making it partway through the legislative process.

Status: AB 709 was approved 49-26 (5 members abstaining/not voting) by the Assembly Floor on May 30th and moved to the Senate. On July 10th, the bill failed 2-6 (1 member abstaining/not voting) in the Senate Committee on Business, Professions and Economic Development. AB 709 will no longer move forward this year. Since we are in the first year of a two year legislative session, the bill could be revisited in 2018.

The Center’s Bill Tracker (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).
Sources: Copies of the legislation outlined above and vote information may be obtained at www.leginfo.legislature.ca.gov/.