



## California Legislative Update

The first year of the 2017/2018 legislative session concluded on Friday, September 18, which was 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 October 15th. This is the first year of a two year legislative session, so any tobacco-related bills introduced in regular session that did not pass out of the Legislature will still have another opportunity to do so next year.

Two tobacco-related bills were approved by both the Senate and Assembly and sent to the Governor for his action. The governor has three options, (1) he can sign the bill into law, which allows the bill to take effect, (2) he can veto the bill, which stops the bill from taking effect, or (3) he can do nothing, which allows the law to take effect.

### Two Tobacco-Related Bills are Pending Before the Governor:

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

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

### One Tobacco-Related Bill Can be Revisited Next Year

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

### One Tobacco-Related Bill was Amended to Address a Separate Issue:

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

## Two Bills Are Pending Before the Governor

### [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. On June 27<sup>th</sup> the Senate Natural Resources and Water committee approved the bill 6-2 (1 member abstaining/not voting). On July 10<sup>th</sup> it was referred to the Senate Appropriations Committee where it was placed in the suspense file. On September 1<sup>st</sup> it was removed from the suspense file and sent to the Senate Floor where it was approved on September 11<sup>th</sup> by a vote of 26-11 (3 members abstaining/not voting). From there it was sent back to the full Assembly for final approval of amendments and is now awaiting action by the Governor.

### [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 28<sup>th</sup>, 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.

**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 was approved by Assembly Water, Parks and Wildlife 10-4 (1 member abstaining/not voting) and referred to the Assembly Appropriations Committee on June 27<sup>th</sup> where it was placed on suspense. On September 1, the bill was removed from suspense and sent to a vote of the full Assembly where it was approved on September 12, 56-22. It was then returned to the full senate where it received final legislative approval before being sent to the Governor. The bill now awaits action by the Governor.

## One Bill Can be Revisited Next Year

### [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 abstaining/not voting) before the full Senate floor on May 15<sup>th</sup>, 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 27<sup>th</sup>. The bill failed to receive a vote in its policy committee by July 14, missing the deadline. This bill can be revisited next year.

# Legislative Update: September 19, 2017



## One Bill was Amended and is no Longer Tobacco-Related

### [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. On June 28<sup>th</sup> the bill was passed 7-0 in the Senate Governance and Finance Committee and now awaits a vote before the full senate floor. On July 17 this bill was moved to the inactive file to hold for further action. On September 8<sup>th</sup> this bill was amended to no longer address issues related to tobacco control.

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: September 19, 2017*

*If you have questions about this analysis, please contact Lindsey Freitas ([lindsey.freitas@lung.org](mailto:lindsey.freitas@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/).*