



California Legislative Update

With multiple important deadlines, April and May are busy months at the Capitol. April 27th was the last day for policy committees to hear fiscal bills and refer them to appropriations committees within their house of origin. May 25th will be the deadline for appropriations committees to send bills to the Floor within their house of origin.

One new tobacco-related bill was introduced:

[SB 1408](#) (Pan – D, Sacramento) Cigarettes: seizure

Eight tobacco-related bills are moving through the legislature:

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

[AB 1097](#) (Levine – D, San Rafael) State beaches and parks, smoking ban

[AB 2020](#) (Quirk – D, Hayward) Cannabis: local jurisdiction licensees: temporary event license

[AB 2308](#) (Stone – D, Scotts Valley) Cigarettes: single-use filter ban

[AB 3225](#) (Burke – D, Inglewood) California Children and Families Program

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

[SB 835](#) (Glazer – D, Orinda) Parks: smoking ban

[SB 836](#) (Glazer – D, Orinda) State beaches: smoking ban

One “spot bill” is awaiting amendments to clarify its purpose:

[AB 3225](#) (Burke – D, Inglewood) California Children and Families Program

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One new tobacco-related bill was introduced:

[SB 1408](#) (Pan – D, Sacramento) Cigarettes: seizure

Senate Bill 1408 began as a bill unrelated to tobacco. On March 22 it was amended to focus on tobacco. Current law bans the sale, offering, or possession of cigarettes that do not meet specific manufacturing criteria, but offers an exemption for cigarettes produced outside California. Senate Bill 1408 would delete the exemption and make these cigarettes contraband which can be seized and disposed of by law enforcement or the state Department of Tax and Fee Administration. Any person who fails or refuses an inspection will be subject to a \$1,000 civil penalty.

Status: SB 1408 was approved unanimously by the Senate Business, Professions and Economic Development Committee on April 16th. It has been referred to the Senate Appropriations Committee, where it awaits a hearing date.

Seven bills are moving along through the committee process:

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

Assembly Bill 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 smoke-free 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. In 2017, amendments clarified that privately-owned housing is not included in the bill and that encourage a graduated enforcement framework that included tenant education and warnings.

Status: AB 62 was approved on the Assembly floor 48-21 (11 abstaining/not voting) in May of 2017 and was referred to both the Senate Transportation and Housing and the Judiciary Committees, where it awaits a committee hearing.

[AB 1097](#) (Levine – D, San Rafael) State beaches and parks, smoking ban

Assembly Bill 1097 began as a bill unrelated to tobacco during the 2017 legislative session. On January 3, 2018, it was amended to focus on tobacco. This bill would make it a crime to smoke or dispose of cigar and cigarette waste on a state coastal beach or within the state park system. Anyone who violates this law could receive a fine up to \$50. This bill would allow the Director of Parks and Recreation at any affected location to designate exempted areas where smoking would be permitted.

Status: AB 1097 was approved by the Assembly 46-24 (7 members abstaining/not voting) on January 29th. The bill was referred to the Senate Natural Resources and Water Committee where it awaits a hearing date.

[AB 2020](#) (Quirk – D, Hayward) Cannabis: local jurisdiction licensees: temporary event license

Assembly Bill 2020 would allow the state to issue temporary event licenses to any venue that will be selling cannabis products onsite. This would not supersede any local ordinances, such as zoning, land use, or business license requirements, requirements to reduce exposure to secondhand smoke, or completely outlaw certain types of businesses. The state may grant full power to administer licenses to incorporated cities if they so choose. Cities and counties may deny a permit issuance if the event does not comply with local smokefree ordinances. Venues approved for this license must have an area where access is restricted to persons 21 years of age or older, have the cannabis consumption not visible from any public place or nonage-restricted area, and must also not sell or provide for consumption alcohol or tobacco products.

Status: Assembly Bill 2020 passed the Assembly Business and Professions Committee 13-1 (2 members abstaining/not voting) and has been referred to the Assembly Appropriations Committee, where it awaits a hearing date.

[AB 2308](#) (Stone – D, Scotts Valley) Cigarettes: single-use filter ban

Assembly Bill 2308 would make it a crime to sell or give another person cigarettes with single-use filters. Selling or furnishing, including shipments received from outside the state, would be punishable with a fine of \$500 per violation. One transaction or furnishing up to 20 cigarettes can be considered a single violation.

Status: AB 2308 failed to pass the Assembly Governmental Organization Committee on May 2nd.

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SB 631 (Nielsen – R, Gerber) Nitrous oxide: retail sales.

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

Status: SB 631 passed the Senate floor 39-0 (1 member abstaining/not voting) in May of 2017 and was referred to the Assembly Business and Professions Committee. SB 631 passed the Assembly Business Professions Committee 16-0 in June 2017 and was re-referred to the Assembly Judiciary Committee, but the author canceled its first hearing on July 6th.

SB 835 (Glazer – D, Orinda) Parks: smoking ban

Senate Bill 835 would make it a crime to smoke or dispose of cigar and cigarette waste within a state park. Anyone who violates this law could receive a fine up to \$25. This bill would allow the Director of Parks and Recreation at any affected location to designate exempted areas where smoking would be permitted.

Status: SB 835 was approved by the Senate Committee on Natural Resources and Water 6-2 (1 member abstaining/not voting) on March 13th. 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 836 (Glazer – D, Orinda) State beaches: smoking ban

Senate Bill 836 would make it a crime to smoke or dispose of cigar and cigarette waste on a state coastal beach. Anyone who violates this law could receive a fine up to \$25. This bill would allow the Director of Parks and Recreation at any affected location to designate exempted areas where smoking would be permitted.

Status: SB 836 was approved by the Senate Committee on Natural Resources and Water 6-2 (1 member abstaining/not voting) on March 13th. 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.

One “spot bill” is awaiting amendments to clarify its purpose:

AB 3225 (Burke – D, Inglewood) California Children and Families Program

Assembly Bill 3225 would make technical, nonsubstantive changes to provisions and references in the California Children and Families Act, also known as First 5 California. The program receives funds from current state tobacco taxes. 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 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 3225 is waiting for referral to committee.

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 this session.

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: May 4, 2018

*Sources: Copies of the legislation outlined above and vote information may be obtained at www.leginfo.ca.gov/.
The 2018 Legislative Master Calendar can be found at <http://assembly.ca.gov/legislativedeadlines>.*