



California Legislative Update

Friday, June 29th marked a major legislative deadline. This was the last opportunity for fiscal bills to pass the policy committees and be referred to fiscal committee in the second house. Bills that failed to pass the policy committee will no longer move forward.

The California Legislature is now on summer recess and will reconvene Monday, August 6th. The next big legislative deadline will be August 17th, when all fiscal bills must pass their fiscal committees in order to receive a final floor vote.

Five tobacco-related bills are moving through the legislature:

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

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

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

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

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

Two tobacco-related bills will no longer move forward:

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

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

Two tobacco-related resolutions are moving through the legislature:

[ACR 254](#) (Holden – D, Pasadena) Smoke-free multiunit housing

[SCR 143](#) (Pan – D, Sacramento) Smoking: youth: motion picture industry

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Five tobacco-related bills are moving through the legislature:

[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. On June 12th, the bill was approved by the Senate Natural Resources and Water Committee 7-2. It then unanimously passed the Senate Appropriations Committee on July 2nd. AB 1097 now awaits a vote by the full Senate.

[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. On June 18th, the bill was amended to include additional restrictions on vendors.

Status: AB 2020 passed the Assembly Business and Professions Committee 13-1 (2 members abstaining/not voting) on April 17th. It then passed the Assembly Appropriations Committee 12-4 (1 member abstaining/not voting) on May 9th. On May 29th, AB 2020 was approved on the Assembly Floor 60-16 (2 members abstaining/not voting). AB 2020 passed the Senate Business, Professions, and Economic Development Committee 8-1 on June 25th and is now scheduled to be heard in the Senate Appropriations Committee on August 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. It was then referred to the Senate Appropriations Committee where it was passed 5-2 on May 25th. SB 835 was approved by the Senate Floor 26-11 (2 members abstaining/not voting) on May 29th. On June 12th, the bill was approved by the Assembly Water, Parks and Wildlife Committee 10-5. It now awaits a hearing in the Assembly Appropriations 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. It was then referred to the Senate Appropriations Committee where it was passed 5-2 on May 25th. SB 835 was approved by the Senate Floor 27-11 (1 member abstaining/not voting) on May 29th. On June 12th, the bill was approved by the Assembly Water, Parks and Wildlife Committee 10-5. It now awaits a hearing in the Assembly Appropriations Committee.

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

Senate Bill 1408 began as a bill unrelated to tobacco. On March 22nd, 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 was then approved on the Senate Floor 35-2 (2 abstaining/not voting) on May 21st. On June 28th, it passed the Assembly Governmental Organization Committee 19-1 (1 member abstaining/not voting). It now awaits a hearing in the Assembly Appropriations Committee.

Two tobacco-related bills will no longer move forward:

[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 encouraged 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, but it failed to receive hearings.

[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 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. This bill failed to be brought back up.

Two tobacco-related resolutions are moving through the legislature:

In addition to introducing bills that affect California law, legislators may also submit resolutions for consideration. Resolutions are statements of opinion that, if passed, represent the general consensus of one or both houses of the legislature. These resolutions cannot be enforced as law and do not follow regular legislative rules or deadlines.

[ACR 254](#) (Holden – D, Pasadena) Smoke-free multiunit housing

Assembly Concurrent Resolution 254 encourages local jurisdictions throughout California to adopt policy to reduce smoking in existing and newly constructed multiunit housing.

Status: ACR 254 was introduced on June 13th and was referred to the Assembly Committee on Housing and Community Development, where it awaits a hearing.

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[SCR 143](#) (Pan – D, Sacramento) Smoking: youth: motion picture industry

Senate Concurrent Resolution 143 encourages the California Department of Public Health, the Attorney General, and other state and local agencies to work with the motion picture industry to eliminate depictions of smoking in the entertainment industry.

Status: SCR 143 passed the Senate Health Committee 6-0 (3 abstaining/not voting) on June 6th. It was then approved by the Senate Floor 24-8 (7 abstaining/not voting) on July 2nd. It is now awaiting committee assignment in the Assembly.

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: July 16, 2018

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