



California Legislative Update

The legislature is in full swing with some bills moving along in the legislative process and others will get another chance next year in 2020. April 26 was the deadline for all policy committees to hear fiscal bills and refer them to appropriations committees. May 3 was the deadline for policy committees to hear non-fiscal bills. May 17 will be the last day for fiscal committees to meet and report bills to the floor in their respective house of origin.

Six tobacco-related bills are still moving through the legislature:

- [AB 1718](#) (Levine – D, San Rafael) State parks: state coastal beaches: smoking ban
- [SB 8](#) (Glazer – D, Orinda) State parks: state coastal beaches: smoking ban
- [SB 38](#) (Hill – D, San Mateo) Flavored tobacco products
- [SB 39](#) (Hill – D, San Mateo) Tobacco products
- [SB 424](#) (Jackson – D, Santa Barbara) Tobacco products: single-use and multiuse components
- [SB 538](#) (Rubio – D, Baldwin Park) Electronic cigarettes

Six bills failed to be heard in committee and will no longer move forward this year:

- [AB 131](#) (Cunningham – R, Templeton) Electronic smoking devices: manufacturers: advertising
- [AB 739](#) (McCarty – D, Sacramento) Flavored tobacco products
- [AB 1625](#) (Rivas, Robert – D, Hollister) Unflavored tobacco list
- [AB 1626](#) (Rivas, Robert – D, Hollister) Cigarettes: administration: Attorney General
- [AB 1627](#) (Rivas, Robert – D, Hollister) Cigarette Tobacco Directory
- [AB 1691](#) (Gloria – D, San Diego) Cigarettes and tobacco products licensing

Two bills have been approved by their policy committee and have been referred to appropriations committees:

[SB 424](#) (Jackson – D, Santa Barbara) Tobacco products: single-use and multiuse components

Senate Bill 424 would prohibit the sale and distribution of cigarettes with a single-use filter and single-use plastic devices to facilitate smoking. This also includes single-use electronic cigarettes or vaporizer devices. These products would not be allowed to be shipped to any address in California

Status: April 24: SB 424 passed the Senate Health Committee 7-1 (1 senator abstaining/not voting) and the Senate Environmental Quality Committee 5-1 (1 senator abstaining/not voting). Referred to the Senate Appropriations Committee.

[SB 538](#) (Rubio- D, Baldwin Park) Electronic cigarettes

Senate Bill 538 would require electronic cigarette manufacturers to submit a photo and physical description of each type of their electronic cigarettes to the California Department of Public Health as of April 1, 2020. For new manufacturers, description and photo would need to be submitted within 30 days of the electronic cigarette being available for sale.

Status: May 1: SB 538 passed the Senate Health Committee 9-0. Referred to the Senate Appropriations Committee and has a May 13 hearing date.

Three bills are on appropriations suspense file:

[AB 1718](#) (Levine- D, San Rafael) State parks: state coastal beaches: smoking ban

Assembly Bill 1718 would make it an infraction for a person to smoke or dispose of used cigar or cigarette waste on a state coastal beach or in a unit of the state park system. The Director of Parks and Recreation would be allowed to designate smoking areas within units of the state park system. This is a reintroduction of legislation from last year.

Status: April 24: AB 1718 passed the Assembly Committee on Water, Parks and Wildlife 10-4. AB 1718 has been referred to the Assembly Appropriations Committee where it is being held on the suspense file, which requires a special vote to get out of the committee.

[SB 8](#) (Glazer – D, Orinda) State parks: state coastal beaches: smoking ban

Senate Bill 8 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 \$25.

Status: April 8: SB 8 passed the Senate Natural Resources Committee 7-2. SB 8 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 38](#) (Hill – D, San Mateo) Flavored tobacco products

Senate Bill 38 would prohibit the sale or offering of any flavored tobacco product, including menthol cigarettes. The bill defines “characterizing flavor” to mean any distinguishable taste or aroma outside of the traditional taste or aroma of tobacco.

Status: April 22nd: SB 38 passed the Senate Committee on Health 8-1. SB 38 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 bill has passed its house of origin and has been sent to the next house

(House of origin is the house where the bill is first introduced, either Assembly or Senate. For example, Senate Bills (SB) must go through committee(s) and a floor vote in the Senate, and then are sent to the Assembly for the same process.)

[SB 39](#) (Hill – D, San Mateo) Tobacco products

Senate Bill 39 would create more strict requirements for online tobacco sales. Current law requires the seller or distributor to verify the recipient's age. This bill would require a person 21 years of age or older to sign for the package upon delivery. It would also require the packaging to be labeled "contains tobacco products: signature of person 21 years of age or older required for delivery." Anyone caught in violation of the law would be subject to fines starting at \$1,000.

Status: April 30: SB 39 passed the Senate Committee on Health with amendments 9-0. The Senate Appropriations Committee referred SB 39 to the Senate floor. SB 39 was approved by the Senate Floor 38-0 and has been sent to the Assembly.

Five bills failed to be heard in committee and will no longer move forward:

(These bills remain eligible to receive votes and advance through the legislative process again in 2020 as we are only in the first year of a two-year election cycle.)

[AB 131](#) (Cunningham – R, Templeton) Electronic smoking devices: manufacturers: advertising

Assembly Bill 131 would prohibit electronic smoking device manufacturers from advertising or promoting the products in ways that appeal to minors. This includes the prohibition of cartoons or characters popular among children, imitation of candy packaging, or using the words "candy" or "candies." The law would apply to any electronic smoking device that delivers nicotine or other vaporized liquids, including e-cigarettes, vape pens, cigars, pipes, and hookah. Anyone caught in violation of the law would be subject to fines starting at \$1,000.

Status: AB 131 did not meet the deadline for fiscal bills to be heard in policy committee(s) and will not be moving forward this year, it will be eligible to move again next year.

[AB 739](#) (McCarty- D, Sacramento) Flavored tobacco products

Assembly Bill 739 would prohibit a tobacco retailer from selling or offering for sale flavored tobacco products. Anyone who violates this law could receive a of \$250 for each violation. This bill would not limit the adoption or implementation of local ordinances restricting the sale of flavored tobacco products.

Status: AB 739 did not meet the deadline for fiscal bills to be heard in policy committee(s) and will not be moving forward this year, it will be eligible to move again next year.

[AB 1625](#) (Rivas, Robert- D, Hollister) Unflavored tobacco list

Assembly Bill 1625 would require the Attorney General to maintain, on the agency website, a list of tobacco product brands that are not considered flavored. The bill would allow the Attorney General to require manufacturers or importers to submit a list of all brands of tobacco products they manufacture or import, as well as a list of all brands of tobacco products that they manufacture or import for sale or distribution in California that are not flavored.

Status: AB 1625 did not meet the deadline for fiscal bills to be heard in policy committee(s) and will not be moving forward it will be eligible to move again next year.

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[AB 1626](#) (Rivas, Robert- D, Hollister) Cigarettes: administration: Attorney General

Assembly Bill 1626 would make a technical change that would move the administration of the firesafe cigarette paper program from the Office of the State Fire Marshal to the Attorney General's office.

Status: AB 1626 did not meet the deadline for fiscal bills to be heard in policy committee(s) and will not be moving forward it will be eligible to move again next year.

[AB 1627](#) (Rivas, Robert- D, Hollister) Cigarette Tobacco Directory

Assembly Bill 1627 would make technical changes to strengthen the ability of the Attorney General's office to enforce regulations pertaining to non-participating manufacturers (or those tobacco manufacturers who are not subject to the Master Settlement Agreement).

Status: AB 1627 did not meet the deadline for fiscal bills to be heard in policy committee(s) and will not be moving forward it will be eligible to move again next year.

[AB 1691](#) (Gloria- D, San Diego) Cigarettes and tobacco products licensing

Assembly 1691 would make non-substantive changes to citation provision to the Cigarette and Tobacco Products Licensing Act of 2003. This bill is likely 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: February 25: AB 1691 was introduced but not assigned a policy committee, it will be eligible to move again next year.

The Center's Bill Tracker (www.center4tobaccopolicy.org/bill-tracker/) can be used to track all bills throughout the 2019-2020 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](#).

If you have questions about this update, please contact Karina Camacho (karina.camacho@lung.org) at (916) 585-7669.

Center for Tobacco Policy & Organizing: May 8, 2019

*Sources: Copies of the legislation outlined above and vote information may be obtained at www.leginfo.legislature.ca.gov/.
The 2019 Legislative Master Calendar can be found at <http://assembly.ca.gov/legislativedeadlines>.*