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AMENDMENTS TO SENATE BILL NO. 376
AS AMENDED IN ASSEMBLY JULY 11, 1991

Amendment 1

On page 4, strike out lines 34 to 39,
inclusive, and in line 40, strike out "30035." and insert:
30025.

Amendment 2

On page 7, line 30, strike out "SAMPLING AND
OTHER PROMOTION" and insert:

TOBACCO DISTRIBUTION

Amendment 3

On page 7, strike out lines 32 to 40,
inclusive, strike out page 8, on page 9, strike out lines
1 to 34, inclusive, and insert:

30300. (a) The Legislature hereby finds and
declares the following:

(1) Smoking is the single most important source
of preventable disease and premature death in California.

(2) Smoking is responsible for one-quarter of
all death caused by fire.

(3) Tobacco-related disease places a tremendous
financial burden upon the persons with the disease, their
families, the health care delivery system, and society as
a whole.

(4) Despite laws in at least 44 states
prohibiting the sale of tobacco products to minors, each
day 3,000 children start using tobacco products in this
nation. Children under the age of 18 consume 947 million
packages of cigarettes in this country yearly.

(5) The earlier a child begins to use tobacco
products, the more likely it is that the child will be
unable to quit.

(6) More than 60 percent of all smokers begin
smoking by the age of 14, and 90 percent begin by age 19.

(7) Use of smokeless tobacco products among
minors in this state is increasing.

(8) Smokeless tobacco or chewing tobacco is
harmful to the health of individuals and may cause gum
disease, mouth or oral cancers, increased tooth decay and
leukopalkia.

(9) Tobacco product advertising and promotion
are an important cause of tobacco use among children.
More money is spent advertising and promoting tobacco
products than any other consumer product.

(10) Distribution of tobacco product samples

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and coupons is a recognized source by which minors obtain tobacco products, beginning the addiction process.

(11) It is the intent of the Legislature that keeping children from beginning to use tobacco products in any form and encouraging all persons to quit tobacco use shall be among the highest priorities in disease prevention for the State of California.

(b) It is unlawful for any person, agent, or employee of a person in the business of selling or distributing smokeless tobacco or cigarettes from engaging in the nonsale distribution of any smokeless tobacco or cigarettes to any person in any public building, park or playground, or on any public sidewalk, street, or other public grounds.

(c) For purposes of this section:

(1) "Distribute" means to give smokeless tobacco or cigarettes to the general public at no cost, or at nominal cost, or to give coupons or rebate offers for smokeless tobacco or cigarettes at no cost or at nominal cost.

(2) "Smokeless tobacco" means (A) a loose or flat, compressed cake form of tobacco that may be chewed or held in the mouth or (B) a shredded, powdered, or pulverized form of tobacco that may be inhaled through the nostrils, chewed, or held in the mouth.

(d) Any person who violates this section shall be subject either to a criminal action for a misdemeanor or to a civil action brought by a city attorney, a county counsel, or a district attorney punishable by a fine of two hundred dollars (\$200) for the first offense, five hundred dollars (\$500) for the second offense, and one thousand dollars (\$1,000) for three or more offenses in violation of this section. Each distribution of a single package, coupon, or rebate offer to an individual member of the general public in violation of this section shall be considered a separate offense.

(e) Nothing contained in this section or any other provision of law shall invalidate an ordinance of, or be construed to prohibit the adoption of an ordinance by, a city or county regulating distribution of smokeless tobacco or cigarette samples within its boundaries which is more restrictive than this section. If this occurs, the more restrictive local ordinance shall control to the extent of any inconsistency between it and this section.

Amendment 4

On page 10, lines 4 and 5, strike out "or the same holder of a tobacco product sampling license,"

Amendment 5

On page 10, lines 14 and 15, strike out "or the

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same holder of a tobacco product sampling license,"

Amendment 6

On page 10, lines 28 and 29, strike out ", or the same holder of tobacco product sampling license"

Amendment 7

On page 14, line 6, after the second "any" insert:

public or private

Amendment 8

On page 14, line 7, strike out "or high school" and insert:

high school, college, or university

Amendment 9

On page 14, lines 30 and 31, strike out "and galleries" and insert:

galleries, shopping malls, and bowling alleys

Amendment 10

On page 16, strike out lines 17 to 26, inclusive, and insert:

30705. Except as provided in Section 30700, smoking is prohibited in restaurants.

30710. (a) Smoking may be permitted in up to 50 percent of the service area of a bar provided that a contiguous area of the bar of not less than 50 percent of the service area shall be designated a nonsmoking area.

(b) Smoking may be permitted in up to 50 percent of the area of a pool hall provided that a contiguous area of the pool hall of not less than 50 percent shall be designated a nonsmoking area.

30715. (a) Smoking is prohibited in any enclosed indoor or open-air sports arena, except in designated private boxes.

(b) Smoking is prohibited in the public areas of office buildings, hotels, and motels.

enclosed private boxes

Amendment 11

On page 17, line 4, strike out "designate a" strike out lines 5 to 11, inclusive, and insert:

post, by signs of sufficient number and posted in locations as to be readily seen by persons within the area

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designated as a waiting area, a notice that the smoking of tobacco in the waiting area is prohibited. It is unlawful for a person to smoke in an area posted pursuant to this section.

Amendment 12

On page 18, line 11, after "facility" insert:

provided that not less than 50 percent of the area of the industrial facility shall be designated a nonsmoking area

Amendment 13

On page 20, line 2, strike out "No" and insert:

Except as provided in Section 30300, no

Amendment 14

insert: On page 20, line 10, strike out "1991" and

1992

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Continued

PROPOSED AMENDMENTS
SB 1100 (BERGESON & PETRIS)

Amend Section 25867 Subdivision (c)

- (3) "Public building" means any structure owned, operated or maintained by any public entity, including but not limited to: public transportation facilities and terminals, public reception areas, public health facilities, public recreational facilities and public office buildings.

- (4) "Public building, park, playground, sidewalk, street, or other public grounds" means any structure or outdoor area which is owned, operated or maintained by any public entity, including but not limited to: city and county streets and sidewalks, parade grounds, fair grounds, public transportation facilities and terminals, public reception areas, public health facilities, public recreational facilities and public office buildings.

PROPOSED AMENDMENTS SB 1100

Amend Section 25967. (c)

- (1) "Non-sale distribute distribution" means to give smokeless tobacco or cigarettes to the general public at no cost, or at nominal cost, or to give coupons or rebate offers for smokeless tobacco or cigarettes at not cost or at nominal cost. Distribution of tobacco products or coupons or rebate offers in connection with the sale of another item, including tobacco products, cigarette lighters, magazines or newspapers shall not constitute non-sale distribution.

Amend Section 25967 (d)

- (d) Any person who violates this section shall be liable for a civil penalty of not less than two hundred dollars (\$200) for one act, five hundred dollars (\$500) for two acts, and one thousand dollars (\$1,000) for each succeeding violation-three or more acts-in-violation-of-this-section. Each distribution of a single package, coupon, or rebate offer to an individual member of the general public in violation of this section shall be considered a separate violation.