

## **Vote Chart on Tobacco-Related Bills 2002 California Legislative Session**

### **Introduction**

This voting record is designed to show individual votes of each Assembly member and State Senator on seven of the most significant tobacco-related bills introduced during the 2002 legislative session. An explanation of each bill, its status at the end of the session and the position taken by tobacco control organizations are included to provide a context for the votes. The American Lung Association of California, the American Heart Association, Western States Affiliate, the American Cancer Society, California Division and Americans for Nonsmokers' Rights represent the tobacco control position, however, not all of the organizations held a position on each of the seven bills selected. A check mark (✓) represents a vote consistent with the position of those tobacco control organizations that took a position on the bill, and an (X) represents a vote against the tobacco control position. Note that the bills voted on in the Assembly are not necessarily the same bills voted on in the Senate. Of the seven bills presented here, three received floor votes in both houses, two received floor votes just in the Assembly and two received floor votes just in the Senate.

### **AB 1666 (Horton, D-Inglewood) Tobacco Licensing**

Would have created a statewide tobacco-licensing program to address tobacco smuggling, black market cigarette sales, and tobacco tax evasion in California. AB 1666 did not contain any provisions to assist in reducing the sale of tobacco products to minors and did not contain specific anti-preemption language regarding local licensing ordinances. Furthermore, the bill would have unfairly tapped Proposition 99 and Proposition 10 tobacco tax funds to support this new licensing and enforcement program.

Procedurally, AB 1666, formerly a bill about foster care, was gutted and amended at the last minute before the State Senate passed it during a late-night session in which AB 1666 was part of the numerous bills comprising the state budget package. There were no public hearings on AB 1666 nor was there a debate on the Senate floor about its detrimental features to tobacco control because the Senate was rushing to complete its work on the budget by the June 30 deadline. Toward that end, numerous State Senators who could be considered as tobacco control "friends" may have voted in favor of AB 1666.

**Status of Bill at End of Session:** AB 1666 died in the Assembly. The only floor vote on AB 1666 as a tobacco licensing measure was in the Senate.

✓ **Position of Tobacco Control Organizations:** Oppose.

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### **AB 1768 (Wayne, D – San Diego) Tobacco Tax Stamp**

Would have revised the discount that tobacco wholesalers and distributors receive for applying the state tax stamp on packages of cigarettes. The state has not adjusted the wholesaler/distributor discount since it was first established in 1967, despite several increases to the cigarette tax. As a result, wholesalers and distributors have received a “windfall” just for applying the tobacco tax stamp. AB 1768 would have applied the discount to only the first 10 cents of the cost of the stamp.

**Status of Bill at End of Session:** The only relevant floor vote was in the Assembly since the bill changed authors and subject matter and the version that was signed into law on 9/30/02 no longer addressed the tobacco tax stamp issue.

✓ **Position of Tobacco Control Organizations:** Support.

### **AB 1830 (Frommer, D – Los Angeles) Internet Tobacco Purchases**

Establishes restrictions on Internet tobacco sales to ensure that the purchaser is 18 years of age or older. Distributors and sellers are required to match the name, address, and date of birth provided by the customer to information contained in a database of individuals whose age has been verified to be 18 years or older. If the name is not contained in the database the purchaser is required to submit an age-verification kit. Distributor and seller are also required to make a telephone call after 5 p.m. confirming the order before shipping the tobacco products.

**Status of Bill at End of Session:** Signed by the Governor on 9/18/02.

✓ **Position of Tobacco Control Organizations:** Support.

### **AB 1867 (Vagas, D – San Diego) Outdoor Tobacco Smoke: Playgrounds and Tot Lots**

Creates a 25-foot smoke-free zone around playgrounds or tot lot sandboxes where children play. This bill strengthens legislation passed in 2001 (AB 188, Vargas, D-San Diego) that created the first statewide outdoor tobacco smoke policy designed to reduce exposure of tobacco smoke to children in these outdoor settings.

**Status of Bill at End of Session:** Signed by the Governor on 9/15/02.

✓ **Position of Tobacco Control Organizations:** Support.

### **SB 1700 (Peace, D - El Cajon) Tobacco Licensing**

SB 1700 would have established a tobacco licensing program with a major emphasis on stemming the flow of black market cigarettes, and reducing tobacco tax evasion. The bill proposed weak provisions to address illegal sales of tobacco to minors in retail outlets and would have preempted local tobacco licensing laws for a three-year period.

**Status of Bill at End of Session:** SB 1700 passed out of the Senate and died in the Assembly where it was dropped by the author.

✓ **Position of Tobacco Control Organizations:** American Lung Association & American Heart Association - Oppose (unless amended). American Cancer Society & Americans for Nonsmokers' Rights - Oppose.

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### **SB 1766 – (Ortiz, D – Sacramento) Tobacco Taxes via Internet Sales**

Requires that sellers of tobacco over the Internet demonstrate that they have paid all applicable state tobacco taxes.

**Status of Bill at End of Session:** Signed by the Governor on 9/18/02.

✓ **Position of Tobacco Control Organizations:** Support.

### **SB 1849 – (Senate Committee on Budget and Fiscal Review) Tobacco Tax Increase**

Among other things, this bill would have raised California's tobacco tax by an additional \$2.13 per pack.

**Status of Bill at End of Session:** This bill failed passage in the Assembly and therefore did not receive a floor vote in the Senate.

✓ **Position of Tobacco Control Organizations:** Support.

If you have any questions about this Vote Chart, please contact the Center's Policy Coordinator, Julie Bradley-Hart at (916)442-4299 or [jbhart@alac.org](mailto:jbhart@alac.org).

*The Center for Tobacco Policy & Organizing promotes community organizing strategies to empower local coalitions to achieve tobacco policy change, and serves as a state tobacco control policy analysis and information resource. If you would like assistance with advancing tobacco policy issues in your community or more information about the Center, please contact Brian Peterson, Project Director, at (916)442-4299 or [thecenter@californialung.org](mailto:thecenter@californialung.org).*

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SENATE						ASSEMBLY											
Senate Member	AB 1666	AB 1830	AB 1867	SB 1700	SB 1766	Assembly Members	AB 1768	AB 1830	AB 1867	SB 1766	SB 1849	Assembly Members	AB 1768	AB 1830	AB 1867	SB 1766	SB 1849
Ackerman	✓	X	X	✓	X	Aanestad	X	X	X	X	X	La Suer	X	X	X	X	X
Alarcon	X	✓	✓	X	✓	Alquist	✓	✓	✓	✓	✓	Leach	X	X	X	X	X
Alpert	X	✓	✓	X	✓	Aroner	✓	✓	✓	✓	✓	Leonard	X	NV	X	X	NV
Battin	✓	X	X	✓	X	Ashburn	X	X	X	X	X	Leslie	X	NV	X	X	NV
Bowen	X	✓	✓	X	✓	Bates	X	NV	X	X	X	Liu	✓	✓	✓	✓	✓
Brulte	✓	X	X	✓	X	Bogh	X	X	X	X	X	Longville	✓	✓	✓	✓	✓
Burton	X	✓	✓	X	✓	Briggs	X	X	X	X	NV	Lowenthal	✓	✓	✓	✓	✓
Chesbro	X	✓	✓	X	✓	Calderon	✓	✓	✓	✓	✓	Maddox	X	NV	NV	X	X
Costa	X	NV	NV	X	✓	B. Campbell	X	X	X	X	NV	Maldonado	X	✓	✓	✓	X
Dunn	X	✓	✓	NV	✓	J. Campbell	X	X	NV	X	X	Mathews	X	✓	✓	✓	✓
Escutia	X	✓	✓	X	✓	Canciamilla	✓	✓	NV	✓	✓	Migden	✓	✓	✓	✓	✓
Figueroa	X	NV	✓	X	✓	Cardenas	NV	✓	✓	✓	✓	Mountjoy	NV	NV	X	X	X
Haynes	✓	X	X	✓	NV	Cardoza	X	✓	✓	✓	✓	Nakano	✓	✓	✓	✓	✓
Johannessen	X	X	X	✓	X	Cedillo	NV	✓	✓	NV	✓	Nation	✓	✓	✓	✓	✓
Johnson	NV	X	X	✓	X	Chan	✓	✓	✓	✓	✓	Negrete McLeod	NV	✓	✓	✓	✓
Karnette	X	✓	✓	X	✓	Chavez	NV	✓	✓	✓	✓	Oropeza	✓	NV	✓	✓	✓
Knight	✓	X	X	✓	X	Chu	✓	✓	✓	✓	✓	Pacheco, Rob	X	NV	X	X	X
Kuehl	X	✓	✓	X	✓	Cogdill	X	NV	X	X	X	Pacheco, Rod	X	✓	✓	✓	X
Machado	X	✓	NV	X	✓	Cohn	✓	✓	✓	✓	✓	Papan	X	NV	NV	✓	✓
Margett	✓	NV	X	✓	X	Corbett	✓	NV	✓	✓	✓	Pavley	✓	✓	✓	✓	✓
McClintock	✓	X	X	✓	X	Correa	✓	✓	✓	✓	✓	Pescetti	X	X	✓	X	X
McPherson	NV	X	X	✓	✓	Cox	X	X	X	X	X	Reyes	✓	✓	✓	✓	✓
Monteith	✓	X	X	NV	X	Daucher	X	NV	X	NV	X	Richman	✓	✓	X	✓	NV
Morrow	✓	X	X	✓	X	Diaz	✓	✓	✓	✓	✓	Runner	X	X	X	X	NV
Murray	X	✓	✓	X	✓	Dickerson	X	X	X	X	NV	Salinas	✓	✓	✓	✓	✓
O'Connell	X	✓	✓	X	✓	Dutra	✓	✓	✓	✓	✓	Shelley	✓	✓	✓	✓	✓
Oller	✓	X	X	✓	X	Firebaugh	✓	✓	✓	✓	✓	Simitian	✓	✓	✓	✓	✓
Ortiz	X	✓	✓	X	✓	Florez	✓	✓	✓	✓	✓	Steinberg	✓	✓	✓	✓	✓
Peace	X	NV	✓	X	NV	Frommer	✓	✓	✓	✓	✓	Strickland	X	X	X	X	X
Perata	X	✓	✓	X	✓	Goldberg	✓	✓	✓	✓	✓	Strom-Martin	✓	NV	✓	✓	✓
Polanco	X	✓	✓	NV	✓	Harman	X	✓	X	NV	X	Thomson	✓	✓	✓	✓	✓
Poochigian	✓	X	X	✓	X	Havice	✓	✓	✓	NV	✓	Vargas	✓	✓	✓	✓	✓
Romero	X	✓	✓	X	✓	Hertzberg	✓	✓	✓	✓	✓	Washington	✓	✓	✓	✓	✓
Scott	X	✓	NV	X	✓	Hollingsworth	X	X	X	X	NV	Wayne	✓	✓	✓	✓	✓
Sher	X	✓	✓	X	✓	Horton	✓	✓	✓	✓	✓	Wesson	✓	✓	✓	✓	✓
Soto	X	✓	✓	X	✓	Jackson	✓	✓	✓	✓	✓	Wiggins	✓	✓	✓	✓	✓
Speier	X	✓	✓	X	✓	Keeley	✓	✓	✓	✓	✓	Wright	✓	✓	✓	✓	✓
Tortakson	X	✓	✓	X	✓	Kehoe	✓	✓	✓	✓	✓	Wyland	X	NV	X	X	X
Vasconcellos	X	✓	✓	X	✓	Kelley	X	✓	✓	✓	NV	Wyman	X	NV	X	X	X
Vincent	X	NV	NV	NV	NV	Koretz	✓	✓	✓	✓	✓	Zettel	X	X	X	X	X

✓ = A vote in favor of tobacco control organizations' position, X = a vote against and NV = no vote made.

Please note that, although the majority of members listed on the vote chart continue to serve in the Legislature, some turnover has occurred due mainly to term limits or retirement.