

ASSEMBLY BILL

No. 1690

Introduced by Assembly Members Luz Rivas, Petrie-Norris, and Stone
(Principal coauthors: Assembly Members Cristina Garcia and Ting)
(Coauthors: Assembly Members Bauer-Kahan, Berman, Boerner Horvath, Friedman, Lee, Nazarian, Quirk, and Wicks)
(Coauthors: Senators Allen, Becker, Limón, Newman, Portantino, and Wiener)

January 24, 2022

An act to add Article 6 (commencing with Section 104559.6) to Chapter 1 of Part 3 of Division 103 of the Health and Safety Code, relating to tobacco products.

LEGISLATIVE COUNSEL'S DIGEST

AB 1690, as introduced, Luz Rivas. Tobacco products: single-use components.

Under existing law, the Stop Tobacco Access to Kids Enforcement Act, an enforcing agency, as defined, may assess civil penalties against any person, firm, or corporation that sells, gives, or furnishes specified tobacco and cigarette related items, including cigarette papers, to a person who is under 21 years of age, except as specified. The existing civil penalties range from \$400 to \$600 for a first violation, up to \$5,000 to \$6,000 for a 5th violation within a 5-year period.

Existing law prohibits the sale, distribution, or nonsale distribution of tobacco products directly or indirectly to any person under 21 years of age through the United States Postal Service or other public or private postal or package delivery service. Under existing law, a district attorney, city attorney, or the Attorney General may assess civil penalties

against a violator of not less than \$1,000 or more than \$2,000 for the first violation and up to \$10,000 for a 5th or subsequent violation within a 5-year period.

Under existing law, every person, firm, or corporation that knowingly or under circumstances in which it has knowledge, or should otherwise have grounds for knowledge, sells, gives, or furnishes a cigarette, among other specified items, to another person who is under 21 years of age is, except as specified, subject to either 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 \$200 for the first offense, \$500 for the 2nd offense, and \$1,000 for the 3rd offense.

This bill would prohibit a person or entity from selling, giving, or furnishing to another person of any age in this state a cigarette utilizing a single-use filter made of any material, an attachable and single-use plastic device meant to facilitate manual manipulation or filtration of a tobacco product, or a single-use electronic cigarette or vaporizer device. The bill would prohibit that selling, giving, or furnishing, whether conducted directly or indirectly through an in-person transaction, or by means of any public or private method of shipment or delivery to an address in this state.

This bill would authorize a city attorney, county counsel, or district attorney to assess a \$500 civil fine against each person determined to have violated those prohibitions in a proceeding conducted pursuant to the procedures of the enforcing agency, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Article 6 (commencing with Section 104559.6)
- 2 is added to Chapter 1 of Part 3 of Division 103 of the Health and
- 3 Safety Code, to read:
- 4
- 5 Article 6. Prohibition on Cigarettes Utilizing Single-Use Filters
- 6 and Single-Use Electronic Cigarettes or Vaporizer Devices
- 7
- 8 104559.6. (a) A person or entity shall not sell, give, or in any
- 9 way furnish to another person, of any age, in this state, any of the
- 10 following:

1 (1) A cigarette utilizing a single-use filter made of any material,
2 including cellulose acetate, any other fibrous plastic material, or
3 any organic or biodegradable material.

4 (2) An attachable and single-use plastic device meant to facilitate
5 manual manipulation or filtration of a tobacco product.

6 (3) A single-use electronic cigarette.

7 (4) A single-use vaporizer device.

8 (b) The prohibition under subdivision (a) applies to any direct
9 or indirect transaction, whether made in person in this state or by
10 means of any public or private method of shipment or delivery to
11 an address in this state.

12 (c) The sale, gift, or other furnishing of one to 20 items specified
13 in paragraphs (1) to (4), inclusive, of subdivision (a) constitutes a
14 single violation of this section.

15 104559.7. (a) (1) A city attorney, county counsel, or district
16 attorney may assess a civil fine of five hundred dollars (\$500) for
17 each violation of Section 104559.6. Only a city attorney, county
18 counsel, or district attorney may assess the civil fine against each
19 person determined to be in violation of Section 104559.6.

20 (2) Proceedings under this section shall be conducted pursuant
21 to the procedures of the enforcing agency that are consistent with
22 Section 131071 and in accordance with Article 6 (commencing
23 with Section 11425.10) of Chapter 4.5 of Part 1 of Division 3 of
24 Title 2 of the Government Code.

25 (b) Fine moneys assessed pursuant to this section shall be
26 deposited in the treasury of the city or county, respectively, of the
27 city attorney, county counsel, or district attorney that assessed the
28 fine.

29 104559.8. A city attorney, county counsel, or district attorney
30 acting as an enforcing agency, as defined in subdivision (b) of
31 Section 22950.5 of the Business and Professions Code, is
32 encouraged, but not required, to develop guidelines for its agency
33 to conduct tobacco control investigations of violations of
34 subdivision (a) of Section 104559.6 concurrent with investigations
35 of violations of Section 308 of the Penal Code or Division 8.5
36 (commencing with Section 22950) of the Business and Professions
37 Code, conducted in accordance with Section 22952 of the Business
38 and Professions Code, or concurrent with investigations of

- 1 violations of any tobacco control provisions created by local
- 2 ordinance in its jurisdiction.

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