

Date of Hearing: June 21, 2016

ASSEMBLY COMMITTEE ON ARTS, ENTERTAINMENT, SPORTS, TOURISM, AND
INTERNET MEDIA

Kansen Chu, Chair

SB 977 (Pan) – As Amended June 15, 2016

SENATE VOTE: 33-5

SUBJECT: Tobacco: youth sports events.

SUMMARY: This bill would prohibit a person from smoking a tobacco product, as defined, within 250 feet of a youth sports event, as defined, and broaden the definition of “smoke or smoking” in existing law. Specifically, **this bill:**

- 1) Declares that a person shall not smoke a cigarette, cigar, or other tobacco-related product or dispose of cigarette butts, cigar butts, or any other tobacco-related waste within 25 feet of a playground or a tot lot sandbox area.
- 2) Prohibits any person located in the same park or facility where a youth sports event is taking place from using a tobacco product within 250 feet of the youth sports event.
- 3) Contains the following definitions:
 - a) “Youth sports event” means any practice, game, or related activity organized by any entity at which athletes up to 18 years of age are present.
 - b) “Smoke or smoking” is redefined to mean inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, whether natural or synthetic, in any manner or in any form. “Smoking” includes the use of an electronic smoking device that creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking.
 - c) “Tobacco product” means any of the following:
 - i) A product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff.
 - ii) An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah.
 - iii) Any component, part, or accessory of a tobacco product, whether or not sold separately.
- 4) Excludes a nicotine replacement product approved by the United States Food and Drug Administration from the definition of prohibited tobacco product.

- 5) Prohibits the preemption of the authority of any county, city, or city and county to regulate the use of tobacco products around a youth sports event. Allows a county, city, or city and county to enforce any ordinance adopted before January 1, 2017, or to adopt and enforce a new regulation that is more restrictive than this bill, on and after January 1, 2017.

EXISTING LAW:

- 1) Prohibits the smoking of a cigarette, cigar, or other tobacco-related product, and the disposal of cigarette butts, cigar butts, or any other tobacco-related waste, within 25 feet of any playground or tot lot sandbox, as defined.
- 2) Defines “smoke or smoking” to mean the carrying of a lighted pipe, cigar, or cigarette of any kind, or the lighting of a pipe, cigar, or cigarette of any kind, including, but not limited to, tobacco, or any other weed or plant.
- 3) Prohibits the intimidation, threat of any reprisal, or effect of any reprisal, for the purpose of retaliating against another person who seeks to attain compliance with existing law.
- 4) Provides that any person who violates the law is guilty of an infraction punishable by a fine of two hundred fifty dollars (\$250) for each violation. Prohibits existing law from being applied to private property.

FISCAL EFFECT: This bill was passed out of the Senate Appropriations Committee pursuant to Rule 28.8.

COMMENTS:

- 1) *Author and supporters statement of need for legislation: to provide healthy spaces for children.* According to the author, "youth sports events should promote healthy habits for children, but current law doesn't ensure a healthy, tobacco-free environment for our young athletes. SB 977 would protect our state's youth and promote public health by prohibiting the use of tobacco products within 250 feet of a sporting event. Youth sports should encourage young people to develop healthy habits that will help them for the rest of their lives—not expose them to the many health risks associated with secondhand smoke or encourage them to take up tobacco products themselves. Secondhand smoke increases the risk of asthma, lung infection and ear disease, among other serious health conditions—and children are more sensitive to these negative health effects. Ninety percent of adult smokers begin while in their teens, or earlier; and two-thirds become regular, daily smokers before they reach the age of 19. Studies have shown that starting to smoke at an early age increases the number of cigarettes smoked per day in adult life, compounding the risk of tobacco-related diseases. We have no reason to promote such dangerous, long-lasting habits at our youth sports events."

"SB 977 recognizes that coaches, parents, and peers can play a critical role in influencing California's youth, especially when they can be observed by youth participating in sporting events. The overt use of tobacco products by these influential figures on and around the field promotes the use of these products to players and spectators," claims the California Dental Association. According to the American Lung Association, "children, pregnant women, the elderly, and those with chronic illnesses are especially vulnerable to harmful effects of secondhand smoke, which can cause asthma in children who have previously not shown

symptoms." Other supporters such as PTA and March of Dimes state that this bill will "protect participating youth and their families from secondhand smoke, as well as prevent the encouragement of youth to take up smoking, which is the number one cause of preventable death in the U.S." The children of the 8th grade class at St. Elizabeth Ann Seton Catholic School, who brought the bill idea to Senator Pan, state that, "Children do what they see. Limiting exposure to all forms of smoking, vaping and e cigarettes will lessen the chance of their starting...A healthy youth ensures the future."

2) *Background: Tobacco use and its effects on public health.*

(The following is taken from information provided by the author and supporters as summarized in the Senate Health Committee analysis).

- a) *Smoking prevalence.* According to the 2012 Surgeon General's Report, nearly 90% of smokers in the U.S. started smoking by the age of 18, and 99% started by age 26. In California, 64% of smokers start by the age of 18, and 96% start by age 26. According to the California Department of Public Health (DPH), in 2010, 36.8% of high school students had smoked a whole cigarette by age 13 or 14, and in 2012, illegal tobacco sales to minors rose to 8.7% from 5.6% in 2011. According to DPH, in 2010, 11.9% of the state's adults smoked, down from 13.1% in 2009, making California one of only two states to reach the federal Healthy People 2020 target of reducing the adult smoking prevalence rate to 12%. However, research highlights that the burdens of smoking do not fall evenly across the state. According to the American Lung Association (ALA), African-American men and women have the highest smoking usage rate at 21.3% and 17.1% respectively, followed by white men at 17.2% and Latino men at 16%. The ALA reports that Korean men have an unusually high tobacco usage rate at 27.9%, as do Lesbian, Gay, Bisexual, and Transgender women who smoke at almost triple the rate of women in general.
- b) *Tobacco-related diseases.* Every year, an estimated 443,000 people in the U.S. die from tobacco and smoking-related illnesses or exposure to secondhand smoke, according to the federal Centers for Disease Control and Prevention (CDC). The CDC also reports that another 8.6 million people suffer from serious smoking-related illnesses. According to DPH, smoking causes ischemic heart disease, cancer, stroke, and chronic lower respiratory diseases, which are the leading causes of death and disability among adults in California. Smoking-attributed diseases are an economic burden due not only to health care expenses but also productivity losses related to disability or early death. DPH asserts, since the passage of Proposition 99, adult smoking rates declined by more than 40% from 22.7% to 13.3% in 2008. As smoking rates declined, mortality and morbidity rates for diseases related to smoking also declined. This parallel trend, according to DPH, supports causal association between these conditions and smoking.
- c) *Alternative tobacco products.* According to DPH, prevalence of smokeless and other tobacco products have increased among high school students, which often do not have the same regulations placed upon them as cigarettes. In recent years, sales of smokeless tobacco and nicotine products, like snus, have risen dramatically. Hookah, popular with teens and young adults, has been shown to contain the same cancer-causing chemicals as secondhand smoke. Smokeless tobacco has been linked to oral cancer, pancreatic cancer, and gum disease. DPH recently released a report on electronic cigarettes, which stated

that teen use of electronic cigarettes has surpassed the use of traditional cigarettes and marketing of these products has increased 1200% in the last three years. Electronic cigarettes deliver nicotine to the user, which, research from the Institute of Medicine shows, can be harmful to brain development in adolescents. The DPH report asserts that the aerosol emitted from electronic cigarettes is toxic and contains at least 10 chemicals known to cause cancer, birth defects, and other poor health outcomes.

3) *Prior and related Legislation*

- a) SBX2 5 (Leno), Chapter 7, Statutes of 2016, Second Extraordinary Session, recast and broadened the definition of “tobacco product” in current law to include electronic cigarettes as specified; extends current restrictions and prohibitions against the use of tobacco products to electronic cigarettes; extends current licensing requirements for manufacturers, importers, distributors, wholesalers, and retailers of tobacco products to electronic cigarettes; requires electronic cigarette cartridges to be child-resistant; and exempts active duty military personnel, as specified, from the requirement of being 21 years of age or older to purchase tobacco products.
- b) SBX2 7 (Hernández), Chapter 8, Statutes of 2016, Second Extraordinary Session, increased the minimum legal age to purchase or consume tobacco from 18 to 21. The bill also removed penalty provisions for those under 21 in possession of tobacco and exempts military personnel from the age increase.
- c) ABX2 7 (Stone), Chapter 4, Statutes of 2016, Second Extraordinary Session, removed many (but not all) exemptions in existing law that allow tobacco smoking in certain indoor workplaces and expands the prohibition on smoking in a place of employment to include owner-operated businesses.
- d) AB 768 (Thurmond), Chapter 779, Statutes of 2015, prohibits, commencing December 1, 2016, the use or possession of smokeless tobacco products, as defined, on the playing field of a baseball stadium during a professional baseball game or practice.
- e) SB 648 (Corbett), Legis. of 2013, would have extended the restrictions and prohibitions against the smoking of tobacco products to include restrictions or prohibitions against e-cigarette in various places, including, but not limited to, places of employment, school campuses, public buildings, day care facilities, retail food facilities, and health facilities. SB 648 failed passage in the Assembly Appropriations Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

St. Elizabeth Ann Seton Catholic School 8th Grade Class (source)
 American Cancer Society Cancer Action Network
 American Lung Association in California
 American Heart Association/American Stroke Association
 Association of California Healthcare Districts
 California American College of Emergency Physicians

California Association of Recreation and Park Districts
California Dental Association
California Park & Recreation Society
California Pharmacists Association
California Optometric Association
California State PTA
California Catholic Conference
Common Sense Kids Action
County Health Executives Association of California
First 5 Association of California
Junior Leagues of California
March of Dimes of California
Molina Healthcare of California

Opposition

There is no opposition on file.

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