

Introduced by Senator Ortiz

February 20, 2001

An act to add Section 308.1 to the Penal Code, relating to tobacco.

LEGISLATIVE COUNSEL'S DIGEST

SB 322, as introduced, Ortiz. Tobacco.

Existing law regulates the distribution and sales of various types of tobacco products in the state, and specifies civil and criminal sanctions for violations of that regulatory scheme.

This bill would prohibit any person from selling, offering for sale, distributing, or importing a tobacco product referred to as bidis or beedies, would make a violation of this prohibition a misdemeanor, and would make that person subject to civil action.

By revising the definition of existing crimes, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 308.1 is added to the Penal Code, to
2 read:



1 308.1. (a) Notwithstanding any other provision of law, no
2 person shall sell, offer for sale, distribute, or import any tobacco
3 product commonly referred to as “bidis” or “beedies.”

4 (b) For purposes of this section, “bidis” or “beedies” means
5 a product containing tobacco that is wrapped in temburni leaf
6 (diospyros melanoxydon) or tendu leaf (diospyros exculpra), or
7 any other product that is offered to, or purchased by, consumers as
8 bidis or beedies.

9 (c) A violation of this section is a misdemeanor.

10 (d) Any person who violates this section is subject to a civil
11 action brought by a city attorney, a county counsel, or a district
12 attorney. This subdivision does not affect any other civil remedies
13 available for a violation of this section.

14 SEC. 2. No reimbursement is required by this act pursuant to
15 Section 6 of Article XIII B of the California Constitution because
16 the only costs that may be incurred by a local agency or school
17 district will be incurred because this act creates a new crime or
18 infraction, eliminates a crime or infraction, or changes the penalty
19 for a crime or infraction, within the meaning of Section 17556 of
20 the Government Code, or changes the definition of a crime within
21 the meaning of Section 6 of Article XIII B of the California
22 Constitution.

