SENATE BILL No. 4

Introduced by Senator Oropeza

December 4, 2006

An act to add Section 5008.9 to the Public Resources Code, relating to public resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 4, as introduced, Oropeza. Public resources: state beaches and parks: smoking ban.

(1) Existing law makes it an infraction for a person to smoke a cigarette, cigar, or other tobacco-related product within 25 feet of a playground or tot lot sandbox area.

This bill would make it an infraction for a person to smoke, as defined, a pipe, cigar, or cigarette on a state coastal beach or in a unit of the state park system, as defined. The bill would establish a state-mandated local program by creating a new crime.

This bill would permit the Department of Parks and Recreation or another relevant state agency to develop and post signs at a state coastal beach or a unit of the state park system to provide notice of the smoking prohibition, as specified.

(2) 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:

SECTION 1. Section 5008.9 is added to the Public Resources Code, to read:

5008.9. (a) For purposes of this section, the following definitions apply:

(1) "Cigar" has the same meaning as defined in Section 104550 of the Health and Safety Code.

(2) "Cigarette" has the same meaning as defined in Section 104556 of the Health and Safety Code.

(3) "Smoke or smoking" means the carrying of a lighted pipe, lighted cigar, or lighted 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.

(4) "State coastal beach" means a sand area that is owned, operated, or under the jurisdiction of the state, an agency of the state, or a department of the state and that adjoins the ocean, a bay, or an estuary. "State coastal beach" does not include an adjacent parking lot.

(5) "Unit of the state park system" means an area specified in Section 5002. "Unit of the state park system"does not include an adjacent parking lot.

(b) A person shall not smoke a cigar, cigarette, or other tobacco-related product on a state coastal beach or in a unit of the state park system.

(c) A person who violates this section is guilty of an infraction and shall be punished by a fine of two hundred fifty dollars ($250).

(d) The Department of Parks and Recreation or another relevant state agency or department may develop and post signs at a state coastal beach and a unit of the state park system to provide notice of the smoking prohibition set forth in subdivision (b). New signs shall be posted only when existing signs are replaced by the state.

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

the meaning of Section 6 of Article XIII B of the California Constitution.

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