

AMENDED IN ASSEMBLY APRIL 8, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2757

Introduced by Assembly Member Bradford

February 19, 2010

~~An act to amend Section 125325 of the Health and Safety Code, relating to oocyte donation.~~ *An act to amend Section 308.1 of the Penal Code, relating to tobacco.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2757, as amended, Bradford. ~~Oocyte donation: advertisement.~~
Tobacco products: blunt wraps.

Under existing law, it is illegal to sell, give, or furnish to a person under 18 years of age any tobacco product or paraphernalia, including blunt wraps, defined as cigar papers or wrappers containing less than 50% tobacco.

This bill would make it a misdemeanor to sell, offer for sale, distribute, or import blunt wraps unless the blunt wraps will be sold in a business establishment that prohibits the presence of persons under 18 years of age on its premises.

By creating a new crime, 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.

Existing law requires specified notice to be given when posting an advertisement seeking oocyte donation associated with the delivery of fertility treatment that includes assisted oocyte production and a financial payment or compensation of any kind.

This bill would make technical, nonsubstantive changes to those provisions.

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

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

1 SECTION 1. Section 308.1 of the Penal Code is amended to
2 read:

3 308.1. (a) Notwithstanding any other provision of law, no
4 person shall sell, offer for sale, distribute, or import any ~~tobacco~~
5 ~~product commonly referred to as “bidis” or “beedies,”~~ of the
6 following tobacco products, unless that tobacco product is sold,
7 offered for sale, or intended to be sold in a business establishment
8 that prohibits the presence of persons under 18 years of age on its
9 premises: premises:

10 (1) Tobacco products commonly referred to as “bidis” or
11 “beedies.”

12 (2) Tobacco products commonly referred to as “blunt wraps.”

13 (b) For purposes of this section, ~~“bidis”~~ the following terms
14 have the following meanings:

15 (1) “Bidis” or “beedies” means a product containing tobacco
16 that is wrapped in temburni leaf—(~~diospyros~~ (*Diospyros*
17 *melanoxylon*) or tendu leaf—(~~diospyros~~ (*Diospyros* *exculpra*).

18 (2) “Blunt wraps” has the same meaning as in Section 308.

19 (c) Any person who violates this section is guilty of a
20 misdemeanor or subject to a civil action brought by the Attorney
21 General, a city attorney, county counsel, or district attorney for an
22 injunction and a civil penalty of up to two thousand dollars (\$2,000)
23 per violation. This subdivision does not affect any other remedies
24 available for a violation of this section.

25 SEC. 2. No reimbursement is required by this act pursuant to
26 Section 6 of Article XIII B of the California Constitution because
27 the only costs that may be incurred by a local agency or school
28 district will be incurred because this act creates a new crime or
29 infraction, eliminates a crime or infraction, or changes the penalty

1 *for a crime or infraction, within the meaning of Section 17556 of*
2 *the Government Code, or changes the definition of a crime within*
3 *the meaning of Section 6 of Article XIII B of the California*
4 *Constitution.*

5 SECTION 1. ~~Section 125325 of the Health and Safety Code~~
6 ~~is amended to read:~~

7 ~~125325. (a) The person or entity posting an advertisement~~
8 ~~seeking oocyte donation associated with the delivery of fertility~~
9 ~~treatment that includes assisted oocyte production and a financial~~
10 ~~payment or compensation of any kind, shall include the following~~
11 ~~notice in a clear and conspicuous manner:~~
12

13 ~~“Egg donation involves a screening process. Not all potential~~
14 ~~egg donors are selected. Not all selected egg donors receive the~~
15 ~~monetary amounts or compensation advertised. As with any~~
16 ~~medical procedure, there may be risks associated with human egg~~
17 ~~donation. Before an egg donor agrees to begin the egg donation~~
18 ~~process, and signs a legally binding contract, she is required to~~
19 ~~receive specific information on the known risks of egg donation.~~
20 ~~Consultation with your doctor prior to entering into a donor~~
21 ~~contract is advised.”~~
22

23 ~~(b) A summary pertaining to oocyte donation procedures shall~~
24 ~~be provided, as required pursuant to Section 125335, to all potential~~
25 ~~egg donors before signing a legally binding contract to become an~~
26 ~~egg donor or beginning egg donation procedures, as part of~~
27 ~~compliance with the informed consent requirements.~~

28 ~~(c) Persons or entities that certify compliance with the American~~
29 ~~Society for Reproductive Medicine (ASRM) guidelines by~~
30 ~~registering with ASRM are exempt from the notice requirements~~
31 ~~set forth in subdivision (a). Use of the exemption when the~~
32 ~~guidelines are violated shall constitute false advertising.~~

33 ~~(d) Donors recruited through the advertisement shall undergo~~
34 ~~the same disclosure, counseling, and informed consent process, as~~
35 ~~required pursuant to Section 125335, as donors recruited by those~~
36 ~~exempt from subdivision (a).~~

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