

AMENDED IN ASSEMBLY APRIL 25, 2011

AMENDED IN ASSEMBLY MARCH 29, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 795**

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**Introduced by Assembly Member Block**

February 17, 2011

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An act to add Section 7597.1 to the Government Code, relating to public postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 795, as amended, Block. Public postsecondary education: smoke-free campuses.

Existing law establishes the University of California, under the administration of the Regents of the University of California, the California State University, under the administration of the Trustees of the California State University, and the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as the public segments of postsecondary education.

Existing law prohibits public employees or members of the public from smoking any tobacco product inside a public building or in an outdoor area, as specified. Existing law states that provision does not preempt the authority of the California Community Colleges, the California State University, or the University of California from adopting and enforcing additional smoking and tobacco control regulations and policies.

This bill would provide that the campuses of the California Community Colleges and the California State University ~~shall post~~

~~signs stating their tobacco use policy on campus, as specified. The bill would require that the campuses inform new employees and students of the tobacco use policy and enforcement measures employed on their campus. This bill would also provide that the governing bodies of these campuses have the authority to enforce these requirements by citation and fine, as specified, and would prohibit the sale of tobacco products on these campuses. The bill would provide that if a campus adopts the enforcement and fine authority, it may post signs stating its tobacco use policy, and inform employees and students of the policy, as specified.~~

~~This bill would request that authorize the Regents of the University of California to adopt the above provisions.~~

~~Because this bill would impose duties on local community college districts, it 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions:~~

~~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. The Legislature finds and declares all of the~~  
2     ~~following:~~

3     ~~(a) The governing body of the California Community Colleges,~~  
4     ~~the California State University, or the University of California has~~  
5     ~~the authority to adopt and enforce rules regulating tobacco sale~~  
6     ~~and use on any of their respective campuses to mitigate exposure~~  
7     ~~to secondhand smoke on those campuses.~~

8     ~~(b) This act shall apply to all campuses of the California~~  
9     ~~Community Colleges, the California State University, and the~~  
10    ~~University of California.~~

11    ~~SEC. 2. Section 7597.1 is added to the Government Code, to~~  
12    ~~read:~~

13    ~~7597.1. (a) All campuses of the California Community~~  
14    ~~Colleges and the California State University shall, and the~~

1 ~~campuses of the University of California may, post signs stating~~  
2 ~~their tobacco use policy on campus, as follows:~~

3 ~~(1) Where smoking or tobacco use is prohibited on campus.~~

4 ~~(2) Where smoking or tobacco use is permitted on campus.~~

5 ~~(b) All campuses of the California Community Colleges and~~  
6 ~~the California State University shall, and the campuses of the~~  
7 ~~University of California may, inform new employees and students~~  
8 ~~of the tobacco use policy and enforcement measures employed on~~  
9 ~~their campus.~~

10 ~~(e) The governing bodies of these campuses have the authority~~

11 *SECTION 1. Section 7597.1 is added to the Education Code,*  
12 *to read:*

13 *7597.1. (a) The governing bodies of the California Community*  
14 *Colleges, the California State University and the University of*  
15 *California have the authority to:*

16 *(1) Set enforcement standards for their local campuses.*

17 *(2) Impose a fine for a first, second, and third offense and for*  
18 *each subsequent offence. The amount of fines is to be determined*  
19 *by the local governing body. Funds shall be allocated to include,*  
20 *but not be limited to, the designated enforcement agency, education*  
21 *and promotion of the policy, and tobacco cessation treatment*  
22 *options. The civil penalty shall not exceed one hundred dollars*  
23 *(\$100).*

24 *(b) If a campus adopts the enforcement and fine measures in*  
25 *subdivision (a), it shall, and the campuses of University of*  
26 *California may, post signs stating their tobacco use policy on*  
27 *campus, as follows:*

28 *(1) The locations at which smoking or tobacco use is prohibited*  
29 *on campus.*

30 *(2) The locations at which smoking or tobacco use is permitted*  
31 *on campus.*

32 *(c) If a campus adopts the enforcement and fine measure in*  
33 *subdivision (a), it shall, and a campus of University of California*  
34 *may, inform employees and students of the tobacco use policy and*  
35 *enforcement measures employed on their campus.*

36 *(d) Tobacco products shall not be sold on the campus of the*  
37 *California Community Colleges and the California State University.*  
38 *The Regents of the University of California are requested to*  
39 *prohibit the sale of tobacco products on campus.*

1     ~~SEC. 3.—If the Commission on State Mandates determines that~~  
2 ~~this act contains costs mandated by the state, reimbursement to~~  
3 ~~local agencies and school districts for those costs shall be made~~  
4 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~  
5 ~~4 of Title 2 of the Government Code.~~

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