

ASSEMBLY BILL

No. 1301

Introduced by Assembly Member Hill

February 18, 2011

An act relating to tobacco.

LEGISLATIVE COUNSEL'S DIGEST

AB 1301, as introduced, Hill. Retail tobacco sales: STAKE Act.

Existing law, the Stop Tobacco Access to Kids Enforcement Act, or STAKE Act, establishes various requirements for retailers relating to tobacco sales to minors.

This bill would declare the intent of the Legislature regarding the amendment of the STAKE Act to reduce the sale of tobacco to minors.

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

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

- 1 SECTION 1. The Legislature hereby finds and declares all of
- 2 the following:
- 3 (a) According to the American Cancer Society, almost 90
- 4 percent of adults who are regular smokers started at or before age
- 5 19.
- 6 (b) A 2009 survey from the United States Centers for Disease
- 7 Control and Prevention found that nearly one-half of high school
- 8 students had tried cigarette smoking and more than one out of four
- 9 high school students were current tobacco users.

1 (c) Smoking-related diseases remain the leading cause of
2 preventable death in the United States, claiming the lives of
3 438,000 Americans annually.

4 (d) According to the State Department of Public Health’s
5 California Tobacco Control Program survey, 74 percent of youth
6 access enforcement agencies reported issuing warnings to
7 merchants selling tobacco products to minors in 2006.

8 (e) The California Tobacco Control Program survey also found
9 that law enforcement agencies continued to rank the suspension
10 or revocation of licenses and civil and criminal penalties for owners
11 and clerks, as effective strategies to reduce youth access to tobacco.

12 (f) California’s Stop Tobacco Access to Kids Enforcement Act
13 which grants the state authority to suspend and revoke licenses
14 from stores that illegally sell tobacco to minors has not been
15 utilized because of a provision that prevents this grant from taking
16 effect.

17 (g) As a result, local cities and counties have taken it upon
18 themselves to adopt local tobacco retailer licensing ordinances in
19 order to reduce illegal sales of tobacco products to minors.

20 (h) According to the American Lung Association’s Center for
21 Tobacco Organizing and Policy 2009 report, rates of illegal tobacco
22 sales to minors have decreased, often significantly, in almost every
23 California community that has passed strong tobacco retailer
24 licensing ordinances.

25 (i) Since only 60 communities in California have adopted retailer
26 licensing ordinances, it’s imperative for the state to fully implement
27 the Stop Tobacco Access to Kids Enforcement Act to reduce the
28 sale of tobacco products to minors in communities throughout
29 California.

30 SEC. 2. It is the intent of the Legislature to enact legislation
31 that would amend the Stop Tobacco Access to Kids Enforcement
32 Act (Division 8.5 (commencing with Section 229550) of the
33 Business and Professions Code) to reduce the sale of tobacco to
34 minors.