

AMENDED IN ASSEMBLY APRIL 2, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1504**

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**Introduced by Assembly Member Stone**  
*(Coauthors: Assembly Members Ammiano, Bloom, Gonzalez, Rendon,  
Skinner, Ting, and Williams)*  
*(Coauthor: Senator Hueso)*

January 14, 2014

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An act to add Division 8.55 (commencing with Section 22964) to the Business and Professions Code, relating to ~~single-use filter~~ cigarettes.

LEGISLATIVE COUNSEL'S DIGEST

AB 1504, as amended, Stone. ~~Single-use filter cigarettes. Cigarettes:~~ *single-use filters.*

Existing law, the Stop Tobacco Access to Kids Enforcement Act, requires all persons engaging in the retail sale of tobacco products to check the identification of tobacco purchasers, to establish the age of the purchaser, if the purchaser reasonably appears to be under 18 years of age. Under existing law, an enforcing agency, as defined, may assess civil penalties against any person, firm, or corporation that sells, gives, or in any way furnishes to another person who is under 18 years of age, any tobacco, cigarette, cigarette papers, any other instrument or paraphernalia that is designed for the smoking or ingestion of tobacco, or products prepared from tobacco. The existing civil penalties range from \$400 to \$600 for a first violation, up to \$5,000 to \$6,000 for a 5th violation within a 5-year period.

Existing law prohibits the sale, distribution, or nonsale distribution of tobacco products directly or indirectly to any person under 18 years of age through the United States Postal Service or through any other

public or private postal or package delivery service at locations, including, but not limited to, public mailboxes and mailbox stores. Under existing law, a district attorney, city attorney, or the Attorney General may assess civil penalties against a violator of that provision of not less than \$1,000 or more than \$2,000 for the first violation and up to \$10,000 for a 5th violation within a 5-year period.

Under existing law, every person, firm, or corporation that knowingly or under circumstances in which it has knowledge, or should otherwise have grounds for knowledge, sells, gives, or in any way furnishes to another person who is under 18 years of age any cigarette, among other specified items, is subject to either a criminal action for a misdemeanor or to a civil action brought by a city attorney, a county counsel, or a district attorney, punishable by a fine of \$200 for the first offense, \$500 for the 2nd offense, and \$1,000 for the 3rd offense.

This bill would state findings and declarations of the Legislature regarding the health and safety hazards to residents of the state related to ~~single-use cigarette filters~~ *cigarettes utilizing single-use filters*. The bill would prohibit a person or entity from selling, giving, or in any way furnishing to another person of any age in this state a cigarette utilizing a single-use filter made of any material, including cellulose acetate, or other fibrous plastic material, and any organic or biodegradable material. The bill would prohibit that selling, giving, or furnishing, whether conducted directly or indirectly through an in-person transaction or by means of any public or private method of shipment or delivery to an address in this state.

~~This bill would provide that each violation of that prohibition is subject to a civil fine of \$500, and would authorize a district attorney or city attorney to assess that a \$500 civil fine against each person determined to have violated those prohibitions in a proceeding conducted pursuant to the procedures of the enforcing agency, as specified.~~

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. Division 8.55 (commencing with Section 22964)
- 2 is added to the Business and Professions Code, immediately
- 3 following Section 22963, to read:

1 DIVISION 8.55. PROHIBITION ON CIGARETTES  
2 UTILIZING SINGLE-USE ~~FILTER CIGARETTES~~ FILTERS  
3

4 22964. (a) Studies published in the peer-reviewed journal  
5 Tobacco Control estimate the percentage of smokers who litter to  
6 range from 75 percent to 92 percent, for smokers between 21 and  
7 25 years of age. It is estimated that 845,500 tons of cigarette butts  
8 become litter around the globe each year.

9 (b) Cigarette butts have consistently been the single  
10 most-recovered item since collections began among volunteer  
11 groups, including the Ocean Conservancy and its International  
12 Coastal Cleanup event, which cleans litter in waterways, beaches,  
13 and parks in this state.

14 (c) Although the citation rate for littering cigarette waste is  
15 annually about five times that of general litter from vehicles, as  
16 reported in the Department of Motor Vehicles' citation statistics,  
17 cigarette butts remain at the top of the list for litter on our  
18 highways.

19 (d) The Department of Transportation has estimated the costs  
20 to clean up cigarette butts at forty-one million dollars (\$41,000,000)  
21 annually.

22 (e) The City and County of San Francisco has estimated costs  
23 for city abatement of cigarette butts at over six million dollars  
24 (\$6,000,000) annually.

25 (f) From 2006 to 2008, the American Association of Poison  
26 Control Centers reported approximately 12,600 cases of children  
27 ingesting cigarettes or cigarette butts. Children under six years of  
28 age are especially prone to cigarette butt ingestion.

29 (g) The well-documented and common occurrence of cigarette  
30 butt ingestion by domestic animals points to the larger impact that  
31 improperly discarded cigarette butts have on our environment and  
32 wildlife.

33 (h) As early as the mid-1960s, the Surgeon General of the United  
34 States judged cigarette filters to be useless in reducing harm to the  
35 average smoker.

36 (i) Banning the sale, gift, or other furnishing of cigarettes ~~with~~  
37 *utilizing* single-use filters is necessary to keep toxic litter out of  
38 our state's environment and promote the health and safety of our  
39 state's residents.

1 22965. (a) No person or entity shall sell, give, or in any way  
2 furnish to another person, of any age, in this state, a cigarette  
3 utilizing a single-use filter made of any material including, but not  
4 limited to, cellulose acetate, or other fibrous plastic material, or  
5 any organic or biodegradable material. The prohibition under this  
6 subdivision applies to any direct or indirect transaction, whether  
7 made in-person in this state or by means of any public or private  
8 method of shipment or delivery to an address in this state.

9 (b) The sale, gift, or other furnishing of one to 20 cigarettes  
10 constitutes a single violation of this section.

11 ~~22966. Each violation of Section 22965 is subject to (a) A~~  
12 *district attorney or city attorney may assess a civil fine of five*  
13 *hundred dollars (\$500) for each violation of Section 22965. Only*  
14 *a district attorney or city attorney may assess the civil fine against*  
15 *each person determined to be in violation of Section 22965. Fine*  
16 *Proceedings under this section shall be conducted pursuant to the*  
17 *procedures of the enforcing agency in accordance with Article 6*  
18 *(commencing with Section 11425.10) of Chapter 4.5 of Part 1 of*  
19 *Division 3 of Title 2 of the Government Code.*

20 (b) *Fine* moneys assessed pursuant to this section shall be  
21 deposited in the treasury of the city or county, respectively, of the  
22 city attorney or district attorney who assessed the fine.