

AMENDED IN ASSEMBLY MAY 5, 2015

AMENDED IN ASSEMBLY APRIL 6, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 768

**Introduced by Assembly Member Thurmond
(Coauthor: Assembly Member Bloom)
(Coauthor: Senator Leno)**

February 25, 2015

An act to add Article 1.5 (commencing with Section 118916) to Chapter 4 of Part 15 of Division 104 of the Health and Safety Code, relating to tobacco.

LEGISLATIVE COUNSEL'S DIGEST

AB 768, as amended, Thurmond. ~~Tobacco Free Baseball Act.~~
Smokeless tobacco: baseball stadiums.

Existing law prohibits the smoking of tobacco in every publicly owned building open to the general public for the primary purpose of exhibiting a motion picture, stage drama, music recital, or any other performance, with the exception of any indoor sporting event, except in designated areas. *generally prohibits the smoking of tobacco in the workplace and in public buildings, except in specified areas.*

This bill would prohibit the use *or possession of smokeless* tobacco products, as defined, ~~including smokeless tobacco, in a baseball stadium, which includes the physical area in which a professional, collegiate, high school, or other organized baseball game or practice is occurring. The bill would require a baseball stadium to have posted at every entrance a conspicuous sign clearly communicating that the use of tobacco products, including smokeless tobacco, is prohibited.~~ *on the*

playing field of a baseball stadium during a professional baseball game or practice. The bill ~~provides that~~, would provide that if any provision or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

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

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

1 SECTION 1. ~~This act shall be known, and may be cited, as the~~
 2 ~~Tobacco-Free Baseball Act.~~

3 ~~SEC. 2.~~

4 SECTION 1. Article 1.5 (commencing with Section 118916)
 5 is added to Chapter 4 of Part 15 of Division 104 of the Health and
 6 Safety Code, to read:

7
 8 Article 1.5. ~~Public Spaces~~ *Smokeless Tobacco in Professional*
 9 *Baseball*

10
 11 118916. (a) (1) The Legislature finds and declares that the
 12 ~~regulation on use of smokeless tobacco products in professional,~~
 13 ~~collegiate, high school, and other baseball stadiums by professional~~
 14 ~~baseball players~~ is a matter of statewide interest and concern. It
 15 is the intent of the Legislature in enacting this section to prohibit
 16 ~~any tobacco product, including smokeless tobacco, at any time at~~
 17 ~~an event site for professional, collegiate, high school, or other~~
 18 ~~organized baseball games in all baseball~~ *the use of smokeless*
 19 *tobacco products by professional baseball players in stadiums in*
 20 *this state.*

21 (2) *The Legislature further finds that there is a high level of*
 22 *smokeless tobacco use by Major League Baseball players, as well*
 23 *as a well-established role-model effect between professional*
 24 *baseball players and youth. A ban on the use of smokeless tobacco*
 25 *in professional baseball takes aim at the use of smokeless tobacco*
 26 *by professional baseball players at stadiums throughout California*
 27 *with the goal that impressionable youth never begin to use*
 28 *smokeless tobacco products or associate smokeless tobacco with*
 29 *the sport of baseball.*

1 (3) *To promote a healthy and active lifestyle and to set a better*
2 *example for youth, the Legislature urges Major League Baseball*
3 *and the Major League Baseball Players Association to adopt a*
4 *nationwide ban on the use of smokeless tobacco by players,*
5 *managers, and coaches in public stadiums. Since 1993, minor*
6 *league baseball has prohibited the use or possession of smokeless*
7 *tobacco by players, coaches, and umpires on ballpark premises*
8 *and during club travel.*

9 (b) A person shall not use or possess a smokeless tobacco
10 product at any time ~~at on the playing field of~~ a baseball stadium.

11 (c) For purposes of this section, the following definitions shall
12 apply:

13 (1) “Baseball stadium” means the physical area in which a
14 professional, collegiate, high school, or other organized
15 professional baseball game or practice is occurring, including all
16 open, semiopen, and enclosed spaces and structures. A baseball
17 stadium includes, but is not limited to, playing fields, dugouts,
18 bullpens, training rooms, locker rooms, team bench areas, spectator
19 seating areas, pedestrian walkways, bathrooms, dining areas,
20 vendor areas, offices, and recreational areas. *occurring.*

21 (2) “Playing field” means the area in which a baseball game
22 is played, including a dugout, bullpen, and team bench area.

23 ~~(2) “Organized~~

24 (3) “Professional baseball” means baseball games played in
25 connection with an established league or other association of
26 persons. *Major League Baseball or minor league baseball.*

27 ~~(3)~~

28 (4) “Smokeless tobacco” means a product that contains cut,
29 ground, powdered, or leaf tobacco and is intended to be placed in
30 the oral or nasal cavity, including, but not limited to, snuff, chewing
31 tobacco, dipping tobacco, dissolvable tobacco products, and ~~snus.~~
32 *snus.*

33 ~~(4) “Tobacco product” includes all of the following:~~

34 ~~(A) A product made or derived from tobacco or nicotine that is~~
35 ~~intended for human consumption, whether smoked, heated, chewed,~~
36 ~~absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any~~
37 ~~other means, including, but not limited to, cigarettes, cigars, little~~
38 ~~cigars, chewing tobacco, pipe tobacco, and snuff.~~

1 ~~(B) An electronic device that delivers nicotine or other~~
2 ~~substances to the person inhaling from the device, including, but~~
3 ~~not limited to, an electronic cigarette, cigar, pipe, or hookah.~~

4 ~~(C) A component, part, or accessory of a tobacco product,~~
5 ~~whether or not sold separately.~~

6 ~~(D) “Tobacco product” does not include a product that has been~~
7 ~~approved by the United States Food and Drug Administration for~~
8 ~~sale as a tobacco cessation product or for other therapeutic purposes~~
9 ~~where the product is marketed and sold solely for that approved~~
10 ~~purpose.~~

11 ~~(d) Each baseball stadium shall have posted at every entrance~~
12 ~~a conspicuous sign clearly communicating that the use of tobacco~~
13 ~~products, including smokeless tobacco, is prohibited. These signs~~
14 ~~shall also be posted in all dugouts, bullpens, locker rooms, and~~
15 ~~bathrooms.~~

16 ~~(e)~~

17 ~~(d) This section shall be construed as supplementing and~~
18 ~~imposing prohibitions and requirements in addition to those in~~
19 ~~existing law.~~

20 ~~(f)~~

21 ~~(e) The provisions of this section are severable. If any provision~~
22 ~~of this section or its application is held invalid, that invalidity shall~~
23 ~~not affect other provisions or applications that can be given effect~~
24 ~~without the invalid provision or application.~~