

AMENDED IN ASSEMBLY JUNE 3, 2015

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. Smokeless tobacco: baseball stadiums.

Existing law 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, on the playing field of a baseball stadium during a professional baseball game or practice. The bill 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. *The bill would provide that its provisions do not supersede a conflicting provision relating to smokeless tobacco in a collective bargaining agreement that is in effect on January 1, 2016, but will only apply to a collective bargaining agreement that is executed on or after January 1, 2016.*

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

4
5 Article 1.5. Smokeless Tobacco in Professional Baseball
6

7 118916. (a) (1) The Legislature finds and declares that the
8 use of smokeless tobacco products by professional baseball players
9 is a matter of statewide interest and concern. It is the intent of the
10 Legislature in enacting this section to prohibit the use of smokeless
11 tobacco products by professional baseball players in stadiums in
12 this state.

13 (2) The Legislature further finds that there is a high level of
14 smokeless tobacco use by Major League Baseball players, as well
15 as a well-established role-model effect between professional
16 baseball players and youth. A ban on the use of smokeless tobacco
17 in professional baseball takes aim at the use of smokeless tobacco
18 by professional baseball players at stadiums throughout California
19 with the goal that impressionable youth never begin to use
20 smokeless tobacco products or associate smokeless tobacco with
21 the sport of baseball.

22 (3) To promote a healthy and active lifestyle and to set a better
23 example for youth, the Legislature urges Major League Baseball
24 and the Major League Baseball Players Association to adopt a
25 nationwide ban on the use of smokeless tobacco by players,
26 managers, and coaches in public stadiums. Since 1993, minor
27 league baseball has prohibited the use or possession of smokeless
28 tobacco by players, coaches, and umpires on ballpark premises
29 and during club travel.

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

32 (c) For purposes of this section, the following definitions shall
33 apply:

34 (1) "Baseball stadium" means the physical area in which a
35 professional baseball game or practice is occurring.

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

3 (3) “Professional baseball” means baseball games played in
4 connection with Major League Baseball or minor league baseball.

5 (4) “Smokeless tobacco” means a product that contains cut,
6 ground, powdered, or leaf tobacco and is intended to be placed in
7 the oral or nasal cavity, including, but not limited to, snuff, chewing
8 tobacco, dipping tobacco, dissolvable tobacco products, and snus.

9 (d) This section shall be construed as supplementing and
10 imposing prohibitions and requirements in addition to those in
11 existing law.

12 (e) The provisions of this section are severable. If any provision
13 of this section or its application is held invalid, that invalidity shall
14 not affect other provisions or applications that can be given effect
15 without the invalid provision or application.

16 (f) *The requirements of this section do not supersede a*
17 *conflicting provision relating to smokeless tobacco contained in*
18 *a collective bargaining agreement that is in effect on January 1,*
19 *2016, but will only apply to a collective bargaining agreement*
20 *that is executed on or after January 1, 2016.*