

ASSEMBLY BILL

No. 1594

Introduced by Assembly Member McCarty

January 6, 2016

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1594, as introduced, McCarty. Public postsecondary education: prohibition of smoking and vaping on campuses.

(1) 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 segments of public postsecondary education in this state.

Existing law prohibits public employees or members of the public from smoking any tobacco product inside a public building or in a nearby outdoor area, as specified. Existing law also provides that the governing bodies of the California State University and each community college district have the authority to set enforcement standards relating to smoking on their campuses and to enforce these requirements by citation and fine, as specified. Existing law also authorizes the Trustees of the California State University to establish rules and regulations for the government and maintenance of the buildings and grounds of the university, and provides that a violation or attempted violation of these rules and regulations is a misdemeanor.

This bill would prohibit the smoking of a tobacco product or the use of an e-cigarette on a campus of the California State University or the California Community Colleges. The bill would authorize the governing bodies of the California State University and each community college district to set standards for the enforcement of that prohibition. The bill would authorize the enforcement of this prohibition by a fine, not to exceed \$100, as specified. The bill would require the proceeds of the fine to be allocated, upon appropriation, for purposes including support of the educational operations of the campus on which the violation occurs, education about and promotion of the policy implemented by the bill, and tobacco use cessation treatment options for students of that campus.

To the extent that these provisions would impose new duties on community college districts, and extend the scope of activities on the buildings and grounds of the California State University that could be charged as misdemeanors, they would constitute a state-mandated local program.

This bill would encourage the Regents of the University of California to adopt and enforce provisions substantially similar to those described above.

(2) 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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. Section 7597.1 of the Government Code is
2 amended to read:
3 7597.1. (a) ~~The governing bodies Notwithstanding any other~~
4 *law, no person shall smoke a tobacco product or use an e-cigarette*
5 *on a campus of the California State University or the California*
6 *Community Colleges.*

1 (b) The Trustees of the California State University, the
2 University of California, and University and the governing board
3 of each community college district have the authority to: to do
4 both of the following:

5 (1) Set enforcement standards for their local campuses: the
6 enforcement of the prohibition set forth in subdivision (a) for the
7 campuses within their respective jurisdictions, and inform
8 employees and students at that campus about those standards.

9 (2) Impose a fine With respect to a violation of the prohibition
10 set forth in subdivision (a), impose a fine, not to exceed one
11 hundred dollars (\$100), for a first, second, and third offense and
12 for each subsequent offense. The amount of fines is to the fine
13 imposed under this paragraph shall be determined by the local
14 governing body. Funds Trustees of the California State University
15 or the governing board of the affected community college district,
16 as appropriate. The proceeds of the fines imposed under this
17 paragraph shall be allocated, upon appropriation, for purposes
18 to include, but not necessarily be limited to, the designated
19 enforcement agency, support of the educational operations of the
20 campus on which the violation occurs, education about and
21 promotion of the policy, policy implemented by this section, and
22 tobacco use cessation treatment options. The civil penalty shall
23 not exceed one hundred dollars (\$100). options for students of that
24 campus.

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

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

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

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

37 (c) The Regents of the University of California are encouraged
38 to adopt and enforce provisions substantially similar to
39 subdivisions (a) and (b).

1 SEC. 2. No reimbursement is required by this act pursuant to
2 Section 6 of Article XIII B of the California Constitution for certain
3 costs that may be incurred by a local agency or school district
4 because, in that regard, this act creates a new crime or infraction,
5 eliminates a crime or infraction, or changes the penalty for a crime
6 or infraction, within the meaning of Section 17556 of the
7 Government Code, or changes the definition of a crime within the
8 meaning of Section 6 of Article XIII B of the California
9 Constitution.

10 However, if the Commission on State Mandates determines that
11 this act contains other costs mandated by the state, reimbursement
12 to local agencies and school districts for those costs shall be made
13 pursuant to Part 7 (commencing with Section 17500) of Division
14 4 of Title 2 of the Government Code.