

AMENDED IN ASSEMBLY MARCH 3, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1594

Introduced by Assembly Member McCarty
(Coauthor: Senator Leno)

January 6, 2016

An act to ~~amend~~ *amend, repeal, and add* Section 7597.1 of the Government Code, relating to public postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 1594, as amended, McCarty. Public postsecondary education: prohibition of *using tobacco and 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 and the use of a tobacco product or the use of product, including, but not limited to, an e-cigarette~~ *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~~ *enforce new, or continue to enforce existing, policies* substantially similar to those described above.

This bill would make these provisions operative on January 1, 2018.

(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:

1 ~~7597.1. (a) Notwithstanding any other law, no person shall~~
2 ~~smoke a tobacco product or use an e-cigarette on a campus of the~~
3 ~~California State University or the California Community Colleges.~~

4 ~~(b) The Trustees of the California State University and the~~
5 ~~governing board of each community college district have the~~
6 ~~authority to do both of the following:~~

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

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

24 ~~(c) The Regents of the University of California are encouraged~~
25 ~~to adopt and enforce provisions substantially similar to subdivisions~~
26 ~~(a) and (b).~~

27 *SECTION 1. Section 7597.1 of the Government Code is*
28 *amended to read:*

29 7597.1. (a) The governing bodies of the California State
30 University, the University of California, and each community
31 college district have the authority to:

32 (1) Set enforcement standards for their local campuses.

33 (2) Impose a fine for a first, second, and third offense and for
34 each subsequent offense. The amount of fines is to be determined
35 by the local governing body. Funds shall be allocated to include,
36 but not be limited to, the designated enforcement agency, education
37 and promotion of the policy, and tobacco cessation treatment
38 options. The civil penalty shall not exceed one hundred dollars
39 (\$100).

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

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

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

9 (c) If a campus adopts the enforcement and fine measure in
 10 subdivision (a), it shall, and a campus of the University of
 11 California may, inform employees and students of the tobacco use
 12 policy and enforcement measures employed on their campus.

13 (d) *This section shall remain in effect only until January 1, 2018,*
 14 *and as of that date is repealed, unless a later enacted statute that*
 15 *is enacted before January 1, 2018, deletes or extends that date.*

16 SEC. 2. *Section 7597.1 is added to the Government Code, to*
 17 *read:*

18 7597.1. (a) *Notwithstanding any other law, a person shall not*
 19 *smoke or use a tobacco product on a campus of the California*
 20 *State University or the California Community Colleges.*

21 (b) *The Trustees of the California State University and the*
 22 *governing board of each community college district may do both*
 23 *of the following:*

24 (1) *Set standards for the enforcement of the prohibition set forth*
 25 *in subdivision (a) for the campuses within their respective*
 26 *jurisdictions and inform employees and students at that campus*
 27 *about those standards.*

28 (2) *With respect to a violation of the prohibition set forth in*
 29 *subdivision (a), impose a fine, not to exceed one hundred dollars*
 30 *(\$100), for a first, second, and third offense and for each*
 31 *subsequent offense. The amount of the fine imposed under this*
 32 *paragraph shall be determined by the Trustees of the California*
 33 *State University or the governing board of the affected community*
 34 *college district, as appropriate. The proceeds of the fines imposed*
 35 *under this paragraph shall be allocated, upon appropriation, for*
 36 *purposes to include, but not necessarily be limited to, support of*
 37 *the educational operations of the campus on which the violation*
 38 *occurs, education about and promotion of the policy implemented*
 39 *by this section, and tobacco use cessation treatment options for*
 40 *students of that campus.*

1 (c) *The Regents of the University of California are encouraged*
2 *to adopt and enforce new, or continue to enforce existing, policies*
3 *substantially similar to subdivisions (a) and (b).*

4 (d) *For purposes of this section, the following definitions apply:*

5 (1) *To “smoke” means either of the following:*

6 (A) *To inhale, exhale, burn, or carry any lit or heated substance,*
7 *including, but not limited to, a tobacco product.*

8 (B) *To operate an electronic smoking instrument.*

9 (2) *“Use a tobacco product” means inhaling, smoking, chewing,*
10 *dipping, or any other assimilation into the body of tobacco.*

11 (3) *“Tobacco product” means all forms of tobacco, including*
12 *smokeless tobacco, cigarettes, cigars, pipes, hookahs, and*
13 *e-cigarettes.*

14 (e) *This section shall become operative on January 1, 2018.*

15 ~~SEC. 2.~~

16 SEC. 3. No reimbursement is required by this act pursuant to
17 Section 6 of Article XIII B of the California Constitution for certain
18 costs that may be incurred by a local agency or school district
19 because, in that regard, this act creates a new crime or infraction,
20 eliminates a crime or infraction, or changes the penalty for a crime
21 or infraction, within the meaning of Section 17556 of the
22 Government Code, or changes the definition of a crime within the
23 meaning of Section 6 of Article XIII B of the California
24 Constitution.

25 However, if the Commission on State Mandates determines that
26 this act contains other costs mandated by the state, reimbursement
27 to local agencies and school districts for those costs shall be made
28 pursuant to Part 7 (commencing with Section 17500) of Division
29 4 of Title 2 of the Government Code.