

California Smoking Law Changes- **Effective 6/9/2016:**

Governor Jerry Brown signed the following bills into law, implementing the following changes:

Expanded Definitions of Smoking and Tobacco Products (AKA E-cigarette regulation)

Assembly Bill No. 5 (SB-5) defines “smoking” to include any electronic smoking device (i.e., e-cigarette or vaporizer pen) that creates aerosol or vapor or “any other lighted or heated tobacco or plant product intended for inhalation” (whether natural or synthetic), in addition to traditionally prohibited cigars, cigarettes, or pipes.

It also subjects e-cigarettes to the STAKE Act (Stop Tobacco Access to Kids Enforcement) and other tobacco governing rules. E-cigarettes will not be permitted in no smoking areas (i.e. restaurants, hospitals, schools etc.). Must have a tobacco license to sell e-cigarettes, and they will be taxed like traditional tobacco. This law makes it illegal and punishable by fine to sell e-cigarettes to a minor.

Minimum Smoking Age Increased (from 18 to 21)

Senate Bill No. 7 (SB-7) and SB-5 make it illegal for anyone to sell or otherwise provide tobacco products to anyone under the age of 21, except for active duty military personnel 18 years or older with appropriate military identification.

New Restrictions to Smoking in the Workplace

California currently prohibits “smoking” of “tobacco products” in “enclosed spaces” at a place of employment. However, new restrictions stated in (AB-7) will limit smoking further:

- An “owner-operated business” is prohibited from smoking in enclosed spaces; this refers to businesses where the owner-operator is the only employee.
- The smoking prohibition in “enclosed spaces” now also includes covered parking lots.
- Formerly exempted smoking areas are now prohibited: breakrooms designated by employers, warehouse facilities, gaming clubs, bars and taverns, and hotels, motels or other similar temporary lodging establishments (except that 20% of guestrooms can be offered as smoking rooms).
- There is now no exemption for employers of any size.

New enforcement in ALL schools

ABX2 9 All schools, even charter and private schools, must be tobacco free (including vaping and vaping devices) and have signage indicating that the campus is smoke free.