

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: June 17, 2010
POSITION: Neutral

BILL NUMBER: SB 882
AUTHOR: E. Corbett

BILL SUMMARY: Tobacco: Nicotine Delivery Devices

Under current law:

- A retailer is required to maintain a license to engage in the sale of cigarettes or tobacco products.
Cities and counties are authorized to issue business licenses, set licensing fees, and collect licensing fees.
The Stop Tobacco Access to Kids Enforcement Act provides for civil penalties regarding the sale of tobacco to minors.

This bill would:

- Make various legislative findings regarding the potential harmful effects of electronic cigarettes and misleading claims by electronic cigarette manufacturers and retailers.
Amend existing law to prohibit the sale of electronic cigarettes to persons under 18, and provide for a fine of \$200 for the first violation, \$500 for the second violation, and \$1,000 for the third and subsequent violations.
Define "electronic cigarette" as any device that can provide inhaled doses of nicotine via a vaporized solution.

SUMMARY OF CHANGES

Amendments to this bill since our analysis of the May 11, 2010 version are minor and do not alter our position.

FISCAL SUMMARY

This bill would have no state General Fund impact. Under Section 6(b) of Article XIII B of the California Constitution, any costs to a unit of local government which result from legislation defining a new crime or changing an existing definition of a crime are not reimbursable by the state. In addition, Section 17556(g) of the Government Code provides that the Commission on State Mandates shall not find a reimbursable mandate in such legislation which eliminated a crime or changed the penalty for a crime. Therefore, any local government costs resulting from the mandate in this measure would not be state-reimbursable, because the mandate only involves the definition of a crime or the penalty for conviction of a crime.

COMMENTS

Analyst/Principal Date Program Budget Manager Date
(0762) C. Hill Mark Hill

Department Deputy Director Date

Governor's Office: By: Date: Position Approved
Position Disapproved

BILL ANALYSIS Form DF-43 (Rev 03/95 Buff)

BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED)

AUTHOR

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Finance notes the following with regard to this bill:

- This bill could restrict minors' access to a controversial nicotine delivery system whose potential health impacts are presently unknown.

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							Fund Code
	LA	(Dollars in Thousands)							
	CO	PROP							
	RV	98	FC	2009-2010	FC	2010-2011	FC	2011-2012	
0001/Major Rev	SO	No		-----	See Fiscal Summary	-----			0001