

AMENDED IN ASSEMBLY JUNE 20, 2016

SENATE BILL

No. 1333

Introduced by Senator Block

February 19, 2016

An act to add Section 5008.9 to the Public Resources Code, relating to state beaches and parks.

LEGISLATIVE COUNSEL'S DIGEST

SB 1333, as amended, Block. State beaches and parks: smoking ban.

Existing law makes it an infraction for a person to smoke a cigarette, cigar, or other tobacco-related product within 25 feet of a playground or tot lot sandbox area.

This bill would make it an infraction for a person to smoke, as defined, on a state coastal beach or in a unit of the state park system or to dispose of used cigar or cigarette waste on a state coastal beach or in a unit of the state park system. The bill would establish a state-mandated local program by creating a new crime.

This bill would require the Department of Parks and Recreation to develop and post signs at state coastal beaches and units of the state park system to provide notice of the smoking prohibition. The bill would require the smoking prohibition to be enforced only after signs have been posted.

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 no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 5008.9 is added to the Public Resources Code, to read:

5008.9. (a) For purposes of this section, the following definitions apply:

(1) “Cigar” has the same meaning as defined in Section 104550 of the Health and Safety Code and, for purposes of this section, may contain any other weed or plant as an alternative or supplement to tobacco or nicotine.

(2) “Cigarette” has the same meaning as defined in Section 104556 of the Health and Safety Code and, for purposes of this section, may contain any other weed or plant as an alternative or supplement to tobacco or nicotine.

~~(3) (A) “Smoke or smoking” means the carrying of a lighted pipe, a lighted cigar, a lighted cigarette, or any other lighted oral smoking device, or the lighting of a pipe, a cigar, a cigarette, or any other oral smoking device.~~

~~(B) “Smoke or smoking” includes the use of an electronic smoking device that creates an aerosol or vapor, in any manner or in any form.~~

(3) “Smoke or Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, whether natural or synthetic, in any manner or in any form. “Smoke or Smoking” includes the use of an electronic Cigarette or similar device that creates an aerosol or vapor, in any manner or in any form, or the use of any other device for the purpose of circumventing a prohibition on smoking.

(4) “State coastal beach” means an area that is owned, operated, or under the jurisdiction of the state, an agency of the state, or a department of the state and that adjoins the ocean, a bay, or an estuary.

(5) “Unit of the state park system” means an area specified in Section 5002.

(b) A person shall not smoke on a state coastal beach or in a unit of the state park system.

(c) A person shall not dispose of used cigar or cigarette waste on a state coastal beach or in a unit of the state park system.

1 (d) A person who violates this section is guilty of an infraction
2 and shall be punished by a fine of up to two hundred fifty dollars
3 (\$250).

4 (e) The department shall develop and post signs at state coastal
5 beaches and units of the state park system to provide notice of the
6 smoking prohibition set forth in subdivision (b). Subdivision (b)
7 shall be enforced on state coastal beaches or in units of the state
8 park system only after signs have been posted.

9 SEC. 2. No reimbursement is required by this act pursuant to
10 Section 6 of Article XIII B of the California Constitution because
11 the only costs that may be incurred by a local agency or school
12 district will be incurred because this act creates a new crime or
13 infraction, eliminates a crime or infraction, or changes the penalty
14 for a crime or infraction, within the meaning of Section 17556 of
15 the Government Code, or changes the definition of a crime within
16 the meaning of Section 6 of Article XIII B of the California
17 Constitution.