

Introduced by Senator Glazer

(Principal coauthor: Assembly Member Levine)

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December 3, 2018

An act to add Section 5008.10 to the Public Resources Code, relating to parks.

LEGISLATIVE COUNSEL'S DIGEST

SB 8, as introduced, Glazer. State parks: state coastal beaches: smoking ban.

Existing law makes it an infraction punishable by a fine of \$250 for a person to smoke a cigarette, cigar, or other tobacco product within 25 feet of a playground or tot lot sandbox area.

This bill would make it an infraction punishable by a fine of up to \$25 for a person to smoke, as defined, on a state coastal beach, as defined, or in a unit of the state park system, as defined, or to dispose of used cigar or cigarette waste on a state coastal beach or in a unit of the state park system unless the disposal is made in an appropriate waste receptacle. The bill would establish a state-mandated local program by creating a new crime.

The bill would require the Department of Parks and Recreation to develop and post signs at entrances or strategic locations, as determined by the Director of Parks and Recreation, of 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:

1 SECTION 1. The Legislature finds and declares that making
2 it an infraction punishable by a fine of up to \$25 for a person to
3 smoke on a state coastal beach or in a unit of the state park system
4 or to dispose of used cigar or cigarette waste on a state coastal
5 beach or in a unit of the state park system is a matter of statewide
6 concern in recognition of the importance of public health and
7 environmental quality for the people of this state.

8 SEC. 2. Section 5008.10 is added to the Public Resources Code,
9 to read:

10 5008.10. (a) For purposes of this section, the following
11 definitions apply:

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

16 (2) "Cigarette" has the same meaning as defined in Section
17 104556 of the Health and Safety Code and, for purposes of this
18 section, may contain any other weed or plant as an alternative or
19 supplement to tobacco or nicotine.

20 (3) "Smoke" or "smoking" means inhaling, exhaling, burning,
21 or carrying any lighted or heated cigar, cigarette, or pipe, or any
22 other lighted or heated tobacco or plant product intended for
23 inhalation, whether natural or synthetic, in any manner or in any
24 form. "Smoke" or "smoking" includes the use of an electronic
25 smoking device that creates an aerosol or vapor, in any manner or
26 in any form, or the use of any oral smoking device for the purpose
27 of circumventing a prohibition on smoking. "Smoke" or "smoking"
28 does not include the use of a cigar, cigarette, or pipe, or any other
29 lighted or heated tobacco or plant product used as a prop in a
30 motion picture, television program, or similar filmed audiovisual
31 work, provided filming is properly permitted by the California
32 Film Commission, the active film set is closed to the general public,
33 and any waste is immediately removed from the park. "Smoke"

1 or “smoking” does not include the use of a cigar, cigarette, or pipe,
2 or any other lighted or heated tobacco or plant product used in
3 connection with the good faith practice of a religious belief or
4 ceremony.

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

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

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

12 (c) A person shall not dispose of used cigar or cigarette waste
13 on a state coastal beach or in a unit of the state park system unless
14 the disposal of the cigar or cigarette waste is made in an appropriate
15 waste receptacle.

16 (d) A person who violates this section is guilty of an infraction
17 and shall be punished by a fine of up to twenty-five dollars (\$25).

18 (e) The department shall develop and post signs at entrances or
19 strategic locations, as determined by the director, of state coastal
20 beaches and units of the state park system to provide notice of the
21 smoking prohibition set forth in subdivision (b). Subdivision (b)
22 shall be enforced on state coastal beaches and in units of the state
23 park system only after signs have been posted.

24 SEC. 3. No reimbursement is required by this act pursuant to
25 Section 6 of Article XIII B of the California Constitution because
26 the only costs that may be incurred by a local agency or school
27 district will be incurred because this act creates a new crime or
28 infraction, eliminates a crime or infraction, or changes the penalty
29 for a crime or infraction, within the meaning of Section 17556 of
30 the Government Code, or changes the definition of a crime within
31 the meaning of Section 6 of Article XIII B of the California
32 Constitution.