

ASSEMBLY BILL

No. 1718

Introduced by Assembly Member Levine
(Coauthor: Assembly Member Gonzalez)
(Coauthor: Senator Glazer)

February 22, 2019

An act to add Section 5008.91 to the Public Resources Code, relating to state parks.

LEGISLATIVE COUNSEL'S DIGEST

AB 1718, as introduced, Levine. State parks: state coastal beaches: smoking ban.

Existing law makes it an infraction 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 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, with certain exceptions, as specifically provided. The bill would establish a state-mandated local program by creating a new crime.

The bill would require the department to develop and post signs at the main entrances to 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 bill would authorize the Director of Parks and Recreation to designate, by posted order, areas within units of the state park system as exempt from these provisions.

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. Section 5008.91 is added to the Public Resources
2 Code, to read:

3 5008.91. (a) For purposes of this section, the following
4 definitions apply:

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

9 (2) "Cigarette" has the same meaning as defined in Section
10 104556 of the Health and Safety Code and, for purposes of this
11 section, may contain any other weed or plant as an alternative or
12 supplement to tobacco or nicotine.

13 (3) "Smoke" or "smoking" means inhaling, exhaling, burning,
14 or carrying any lighted or heated cigar, cigarette, or pipe, or any
15 other lighted or heated tobacco or plant product intended for
16 inhalation, whether natural or synthetic, in any manner or in any
17 form. "Smoke" or "smoking" includes the use of an electronic
18 smoking device that creates an aerosol or vapor, in any manner or
19 in any form, or the use of any oral smoking device for the purpose
20 of circumventing a prohibition on smoking. "Smoke" or "smoking"
21 does not include either of the following:

22 (A) The use of a cigar, cigarette, or pipe, or any other lighted
23 or heated tobacco or plant product used as a prop in a motion
24 picture, television program, or similar filmed audiovisual work,
25 provided filming is properly permitted by the California Film
26 Commission, the active film set is closed to the general public,
27 and any waste is immediately removed from the beach or park.

28 (B) The use of a cigar, cigarette, or pipe, or any other lighted
29 or heated tobacco or plant product used in connection with the
30 good faith practice of a religious belief or ceremony.

(4) “State coastal beach” means an area that is owned by, operated by, or under the jurisdiction of the department 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.

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

(e) The department shall develop and post signs at the main entrances to state coastal beaches and units of the state park system to provide notice of the smoking prohibition set forth in subdivision

(b). Subdivision (b) shall be enforced on state coastal beaches or in units of the state park system only after signs have been posted.

(f) (1) Notwithstanding any other provision of this section, the director may designate, by posted order, areas within units of the state park system as exempt from the provisions of this section.

(2) The director shall consider public health and safety implications and potential fire risks when making a designation of exempt areas under paragraph (1).

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

REVISIONS:

Heading—Line 2.

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