

Brown signs bill to raise legal smoking age in California to 21

By **Melody Gutierrez** Updated 10:44 pm, Wednesday, May 4, 2016



Five anti-tobacco bills, including one that raises the legal age to purchase cigarettes from 18 to 21 and another that regulates e-cigarettes the same as tobacco products, were signed by Gov. Jerry Brown.

SACRAMENTO — California will raise the smoking age to 21 and regulate popular vaping products the same as cigarettes under sweeping antitobacco legislation signed by Gov. **Jerry Brown** on Wednesday.

Under the bills, the state will become the second in the nation to raise the smoking age from 18 to 21. The five bills signed by the governor Wednesday will go into effect June 9.

“This is a huge victory for public health in California and a big hit to Big Tobacco’s ongoing efforts to addict a new generation to the neurotoxins of nicotine,” said Sen.

Mark Leno, D-San Francisco, who authored the bill signed by Brown that regulates e-cigarettes the same as tobacco products.

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Facing a midnight deadline to act on six antitobacco bills, Brown signed all but one. He did not offer comments on the bills he signed, which include legislation to increase the licensing fee on tobacco products and expand smoke-free laws to workplaces and charter schools previously exempt.

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The lone veto was for a bill that would have allowed counties and cities to ask voters to approve local tobacco taxes.

Explanation of veto

“Although California has one of the lowest cigarette tax rates in the nation, I am reluctant to approve this measure in view of all the taxes being proposed for the 2016 ballot,” Brown wrote in his veto message.

Several tax initiatives are in circulation for the November ballot, including one to extend Proposition 30 and another to increase the tax on a pack of cigarettes from 87 cents to \$2.

Assembly Speaker **Anthony Rendon**, D-Lakewood (Los Angeles County), said he thought it was a mistake for Brown to veto the bill that would have allowed for local taxes on tobacco.

“That veto robs local voters of the ability to address problems from health care to homelessness, and that’s a major lost opportunity for local governments up and down the state,” Rendon said in a statement.

In January, Hawaii became the first state to raise the smoking age to 21. Dozens of cities have increased the age to buy tobacco products, including San Francisco, which raised its legal smoking age to 21 in March. Now, the restriction goes statewide in California.

SB7X2 by Sen. **Ed Hernandez**, D-Azusa, would make it a crime to sell tobacco to anyone under 21, with an exemption for active military personnel who are 18 and older. There would be no penalty, however, for anyone caught smoking under the age of 21.

“What makes this significant is the size of California and what that means for the huge lobby against this because of the market size here,” Hernandez said. “I think you will see other states follow.”

Republicans criticized many of the bills, saying the legislation, like the one to raise the smoking age to 21, only reinforces the perception of California as a “nanny state.”

Tobacco representatives and their lobbyists could not be reached for comment Wednesday. But when the Legislature passed the six tobacco-control bills in March, tobacco lobbyists threatened to overturn the measures through a referendum and potentially derail other ballot measures, such as a criminal justice reform initiative the governor is fighting for. To reduce the time tobacco lobbyists had to make good on the threats, the Legislature waited until two weeks ago to officially send the bills to Brown.

Vaping reclassified

Vaping groups criticized the reclassification of e-cigarettes and other vaping products as tobacco, saying the move will stigmatize a product that helps smokers quit.

SB5X2 by Leno would make e-cigarettes, battery-operated devices that have become especially popular among young people, subject to smoke-free laws in and around public buildings and workplaces and civil penalties for those caught selling to minors, as well as other restrictions.

“That’s what is going to fuel the most anger, because the industry and its consumers don’t believe they are selling or using a tobacco product,” said **Gregory Conley**, president of the **American Vaping Association**, an industry-funded vaping advocacy group. “In this country, thanks to a well-coordinated misinformation campaign, more and more smokers are inaccurately believing that vaping is just as hazardous as smoking.”

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Bills signed by Gov. Jerry Brown

SB5X2 by Sen. Mark Leno, D-San Francisco, will classify e-cigarettes as tobacco products, making them subject to the same restrictions as cigarettes, such as smoke-free laws in and around public buildings and workplaces and civil penalties for those caught selling to minors.

SB7X2 by Sen. Ed Hernandez, D-Azusa, will make it a crime to sell tobacco to anyone under 21, with an exemption for active military personnel. There will be no penalty, however, for anyone caught smoking under the age of 21.

AB7X2 by Assemblyman **Mark Stone**, D-Monterey Bay, will remove many legal exemptions that allow smoking in indoor workplaces.

AB9X2 by **Assemblymen Tony Thurmond**, D-Richmond, and Adrin Nazarian, D-Sherman Oaks, will require all schools to be tobacco free.

AB11X2 by Nazarian will increase the state's tobacco licensing fee from a one-time \$100 fee to a \$265 annual fee and increase the distributor and wholesaler license fee from \$1,000 to \$1,200.

Bill vetoed by Brown

AB10X2 by Assemblyman **Richard Bloom**, D-Santa Monica, would have allowed counties and cities to ask for voter approval on local tobacco taxes.

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