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HEALTH AND SAFETY CODE - HSC

DIVISION 104. ENVIRONMENTAL HEALTH [106500 - 119406] (Division 104 added by Stats. 1995, Ch. 415, Sec. 6.)

PART 15. MISCELLANEOUS REQUIREMENTS [118375 - 119406] (Part 15 added by Stats. 1995, Ch. 415, Sec. 6.)

CHAPTER 4. Indoor Air Quality [118875 - 118950] (Chapter 4 added by Stats. 1995, Ch. 415, Sec. 6.)

ARTICLE 1.5. Smokeless Tobacco in Professional Baseball [118916- 118916.] (Article 1.5 added by Stats. 2015, Ch. 779, Sec. 1.)

118916. (a) (1) The Legislature finds and declares that the use of smokeless tobacco products by professional baseball players is a matter of statewide interest and concern. It is the intent of the Legislature in enacting this section to prohibit the use of smokeless tobacco products by professional baseball players in stadiums in this state.

(2) The Legislature further finds that there is a high level of smokeless tobacco use by Major League Baseball players, as well as a well-established role-model effect between professional baseball players and youth. A ban on the use of smokeless tobacco in professional baseball takes aim at the use of smokeless tobacco by professional baseball players at stadiums throughout California with the goal that impressionable youth never begin to use smokeless tobacco products or associate smokeless tobacco with the sport of baseball.

(3) To promote a healthy and active lifestyle and to set a better example for youth, the Legislature urges Major League Baseball and the Major League Baseball Players Association to adopt a nationwide ban on the use of smokeless tobacco by players, managers, and coaches in public stadiums. Since 1993, minor league baseball has prohibited the use or possession of smokeless tobacco by players, coaches, and umpires on ballpark premises and during club travel.

(b) A person shall not use or possess a smokeless tobacco product at any time on the playing field of a baseball stadium.

(c) For purposes of this section, the following definitions shall apply:

(1) "Baseball stadium" means the physical area in which a professional baseball game or practice is occurring.

(2) "Playing field" means the area in which a baseball game is played, including a dugout, bullpen, and team bench area.

(3) "Professional baseball" means baseball games played in connection with Major League Baseball or minor league baseball.

(4) "Smokeless tobacco" means a product that contains cut, ground, powdered, or leaf tobacco and is intended to be placed in the oral or nasal cavity, including, but not limited to, snuff, chewing tobacco, dipping tobacco, dissolvable tobacco products, and snus.

(d) This section sets forth minimum state restrictions on the use or possession of smokeless tobacco in a baseball stadium and does not preempt or otherwise prohibit the adoption of a local ordinance that imposes a more restrictive or complete ban on smokeless tobacco use and possession in a baseball stadium. A local ordinance that imposes a more restrictive or complete ban on smokeless tobacco use or possession in a baseball stadium shall control in the event of an inconsistency between this section and the local ordinance.

(e) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

(f) This section shall become operative on December 1, 2016.

(Added by Stats. 2015, Ch. 779, Sec. 1. (AB 768) Effective January 1, 2016. Section operative December 1, 2016, by its own provisions.)