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AB-768 Smokeless tobacco: baseball stadiums. (2015-2016)

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Assembly Bill No. 768

CHAPTER 779

An act to add Article 1.5 (commencing with Section 118916) to Chapter 4 of Part 15 of Division 104 of the Health and Safety Code, relating to tobacco.

[Approved by Governor October 11, 2015. Filed with Secretary of State October 11, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 768, Thurmond. Smokeless tobacco: baseball stadiums.

Existing law generally prohibits the smoking of tobacco in the workplace and in public buildings, except in specified areas.

This bill would, commencing December 1, 2016, prohibit the use or possession of smokeless tobacco products, as defined, on the playing field of a baseball stadium during a professional baseball game or practice. The bill would provide that if any provision 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. The bill would provide that its provisions do not preempt or prohibit the adoption of a more restrictive local ordinance regarding smokeless tobacco possession or use in a baseball stadium.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Article 1.5 (commencing with Section 118916) is added to Chapter 4 of Part 15 of Division 104 of the Health and Safety Code, to read:

Article 1.5. Smokeless Tobacco in Professional Baseball

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.