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**SB-8 State parks: state beaches: smoking ban.** (2019-2020)

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**Senate Bill No. 8**

**CHAPTER 761**

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

[ Approved by Governor October 11, 2019. Filed with Secretary of State October 11, 2019. ]

**LEGISLATIVE COUNSEL'S DIGEST**

SB 8, Glazer. State parks: state 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 beach, as defined, or in a unit of the state park system, as defined, except as provided, or to dispose of used cigar or cigarette waste on a state 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 strategic locations, as determined by the Director of Parks and Recreation, of state beaches and units of the state park system operated by the department to provide notice of the smoking prohibition. The bill would require an entity operating, pursuant to an agreement with the department, a state beach or unit of the state park system that is not operated by the department to post signs approved by the department at strategic locations, as determined by the operating entity and approved by the department, to provide notice of the smoking prohibition. The bill would require the smoking prohibition to be enforced at a state beach or unit of the state park system only after appropriate signs have been posted pursuant to 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 Local Program: yes

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

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

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

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

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

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

(3) "Smoke" or "smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, whether natural or synthetic, in any manner or in any form. "Smoke" or "smoking" includes the use of an electronic smoking device that creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing a prohibition on smoking. "Smoke" or "smoking" does not include the use of a cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product used as a prop in a motion picture, television program, or similar filmed audiovisual work, provided filming is properly permitted by the California Film Commission, the active film set is closed to the general public, and any waste is immediately removed from the park. "Smoke" or "smoking" does not include the use of a cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product used in connection with the good faith practice of a religious belief or ceremony.

(4) "State beach" means a sand, cobble, or other natural area that is owned or 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 beach or in a unit of the state park system. This prohibition does not apply to paved roadways or parking facilities of a state beach or unit of the state park system.

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

(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 strategic locations, as determined by the director, of state beaches and units of the state park system operated by the department to provide notice of the smoking prohibition set forth in subdivision (b).

(f) An entity operating, pursuant to an agreement with the department, a state beach or unit of the state park system that is not operated by the department shall post signs approved by the department at strategic locations, as determined by the operating entity and approved by the department, to provide notice of the smoking prohibition set forth in subdivision (b).

(g) Subdivision (b) shall be enforced on a state beach and in a unit of the state park system only after signs have been posted at that state beach or unit of the state park system pursuant to subdivision (e) or (f), as applicable.

**SEC. 3.** 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.