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AB-455 Real estate: environmental hazards: thirdhand smoke. (2025-2026)

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Assembly Bill No. 455

CHAPTER 263

An act to amend Section 10084.2 of the Business and Professions Code, to add Section 1102.6k to the Civil Code, and to add Section 25417.2 to the Health and Safety Code, relating to real estate.

[Approved by Governor October 03, 2025. Filed with Secretary of State October 03, 2025.]

LEGISLATIVE COUNSEL'S DIGEST

AB 455, Ortega. Real estate: environmental hazards: thirdhand smoke.

Existing law requires that specified disclosures be made upon any transfer by sale, exchange, real property sales contract, lease with an option to purchase, any other option to purchase, or ground lease coupled with improvements, of any single-family residential property.

This bill would make it the sole responsibility of a seller of a single-family residential property who has actual knowledge of the existence of any residue from smoking tobacco or nicotine products, as defined, or any history of occupants smoking tobacco or nicotine products on the property, as specified, to disclose that knowledge to the buyer in writing.

Existing law requires the Department of Real Estate to develop a booklet to educate and inform consumers on, among other things, common environmental hazards that are located on, and affect, real property, and requires the Department of Toxic Substances Control to publish and distribute the booklet to the public upon request, as specified. Existing law also requires the Department of Toxic Substances Control to publish a new edition of the booklet and requires that this new edition be in substantial compliance with certain federal disclosure requirements regarding the safe management of lead and radon gas in housing, as provided.

This bill would require the Department of Toxic Substances Control to update the above-described booklet to include a new section on thirdhand smoke. To offset costs, the bill would require the Department of Toxic Substances to delegate the responsibility for the update to the Center for Tobacco and the Environment at San Diego State University, as specified. The bill would require the department to review the proposed update to ensure it adequately educates and informs consumers on specified matters relating to thirdhand smoke as a common environmental hazard.

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

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

SECTION 1. The Legislature finds and declares both of the following:

(a) "Thirdhand smoke" is the toxic chemical residue left behind by tobacco smoke. It accumulates in carpets, walls, and furniture, becomes embedded in building materials, and persists for years after smoking stops.

(b) Thirdhand smoke-polluted buildings expose occupants to more than 10 toxic chemicals listed in Proposition 65 (1986).

SEC. 2. Section 10084.2 of the Business and Professions Code is amended to read:

10084.2. (a) As existing resources permit, or as private resources are made available, the Homeowners' Guide to Environmental Hazards prepared pursuant to Section 10084.1, updated pursuant to Sections 13261, 25417, and 25417.1 of the Health and Safety Code, and as required to be updated pursuant to Section 25417.2 of the Health and Safety Code, shall be updated to include three new sections on wildfires, climate change, and sea level rise.

(b) The Department of Toxic Substances Control shall seek the advice and assistance of departments within the Natural Resources Agency in the writing of the booklet to determine the contents of the booklet prepared pursuant to this section.

SEC. 3. Section 1102.6k is added to the Civil Code, to read:

1102.6k. (a) In addition to any other disclosure required pursuant to this article, it shall be the sole responsibility of a seller of a single-family residential property subject to this article who has actual knowledge of the existence of any residue from smoking tobacco or nicotine products, or any history of occupants smoking tobacco or nicotine products on the property, to disclose that knowledge to the buyer in writing.

(b) For purposes of this section, the following apply:

(1) "Residue from smoking tobacco or nicotine products" means a chemical accumulation resulting from the smoking of tobacco or nicotine products, and may be indicated by the smell of tobacco smoke or by test results that indicate elevated levels of nicotine on surfaces or in dust.

(2) "Smoking tobacco or nicotine products" includes the use of an electronic cigarette or vape device for inhaling an aerosol.

SEC. 4. Section 25417.2 is added to the Health and Safety Code, to read:

25417.2. (a) For purposes of this section, "thirdhand smoke" means the toxic chemical residue left behind by tobacco smoke.

(b) The Department of Toxic Substances Control shall update the Homeowners' Guide to Environmental Hazards created pursuant to Section 10084.1 of the Business and Professions Code, updated pursuant to Sections 13261, 25417, and 25417.1, and as required to be updated pursuant to Section 10084.2 of the Business and Professions Code, to include a new section on thirdhand smoke, in accordance with both of the following:

(1) To offset the costs associated with updating the guide, the Department of Toxic Substances Control shall delegate the responsibility for the update to the Center for Tobacco and the Environment at San Diego State University, which shall use existing center personnel and research resources, to the extent those resources are available.

(2) The Department of Toxic Substances Control shall review the update proposed by the Center for Tobacco and the Environment at San Diego State University to ensure the update adequately educates and informs consumers on all of the following:

(A) Thirdhand smoke as a common environmental hazard that is located on, and affects, real property.

(B) The significance of thirdhand smoke as a common environmental hazard and what can be done to mitigate this hazard.

(C) Sources that can provide more information on thirdhand smoke as a common environmental hazard for the consumer.