

File No. 140197

Committee Item No. _____

Board Item No. 26

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee _____

Date _____

Board of Supervisors Meeting

Date March 11, 2014

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form (for hearings) |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER

(Use back side if additional space is needed)

<input type="checkbox"/>	<input type="checkbox"/>	_____
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Completed by: Joy Lamug

Date March 6, 2014

Completed by: _____

Date _____

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.

05
1 [Supporting Assembly Bill 1504 (Stone) - Single-use Filter Cigarettes]

2
3 **Resolution supporting passage of California Assembly Bill 1504, authored by**
4 **Assemblymember Stone, which helps prevent the environmental harm and cost to**
5 **state and local governments caused by the improper disposal of cigarette butts by**
6 **prohibiting single-use plastic 'filters' in cigarettes sold in California.**

7
8 WHEREAS, Toxic single-use plastic cigarette butts end up in our marine and urban
9 environments where they may be ingested by children or wildlife, contaminate fragile
10 ecosystems, and cost local governments taxpayer dollars; and

11 WHEREAS, As a result of the litter, cigarette butts remain as the single most collected
12 item of trash collected by volunteer groups and organizations that conduct parks, rivers and
13 beach cleanup events; and

14 WHEREAS, Existing strict anti-litter laws, which include a fine of up to \$1,000 and a
15 mandatory order to clean up litter for no less than eight hours for a first time infraction, have
16 done little to prevent the litter of cigarette butts; and

17 WHEREAS, From 2006 to 2008, the American Association of Poison Control Centers
18 reported approximately 12,600 cases of children ingesting cigarettes or cigarette butts,
19 especially children under six years of age 7; and

20 WHEREAS, According to the National Oceanic Atmospheric Administration's Office of
21 Response and Restoration, it is common for fish, birds and other animals that ingest plastic
22 waste like cigarette butts to starve to death as a result of a false feeling of satiation from the
23 plastic in the cigarette butt; and

24 WHEREAS, Reports from the Surgeon General and the US Department of Health and
25 Human Services point to the ineffectiveness of the 'filters' at reducing harm to smokers; and

1 WHEREAS, Though filtered brands currently constitute over 90% of the entire cigarette
2 market, as early as the mid-1960s the Surgeon General judged cigarette filters to be useless
3 in reducing harm to the average smoker; and

4 WHEREAS, In 2010, a team of investigators from the USA and Japan asserted in the
5 *International Journal of Cancer* that "the shift from non-filter to filter cigarettes appears to have
6 merely altered the most frequent type of lung cancer, from squamous cell carcinoma to
7 adenocarcinoma"; and

8 WHEREAS, There is still no compelling evidence that cigarette filters have done
9 anything to mitigate other health hazards of smoking such as heart disease; and

10 WHEREAS, The City and County of San Francisco reports expenditures above \$6
11 million a year for cigarette butt abatement; and

12 WHEREAS, The California Department of Transportation reports that it spends around
13 \$41 million per year in litter abatement on our highways, of which cigarette butts are the
14 number one littered item; and

15 WHEREAS, The state of California is able to restrict the sale of certain tobacco
16 products; now, therefore, be it

17 RESOLVED, That the San Francisco Board of Supervisors supports Assembly Bill
18 1504, aimed at keeping toxic cigarette waste from littering our state, our communities, and our
19 city; and

20 FURTHER RESOLVED, That the Clerk of the Board of Supervisors forward a copy of
21 this resolution to California Assemblymember Mark Stone with a request he take all action
22 necessary to achieve the objectives of this resolution.
23
24
25

Introduced by Assembly Member Stone

January 14, 2014

An act to add Division 8.55 (commencing with Section 22964) to the Business and Professions Code, relating to single-use filter cigarettes.

LEGISLATIVE COUNSEL'S DIGEST

AB 1504, as introduced, Stone. Single-use filter cigarettes.

Existing law, the Stop Tobacco Access to Kids Enforcement Act, requires all persons engaging in the retail sale of tobacco products to check the identification of tobacco purchasers, to establish the age of the purchaser, if the purchaser reasonably appears to be under 18 years of age. Under existing law, an enforcing agency, as defined, may assess civil penalties against any person, firm, or corporation that sells, gives, or in any way furnishes to another person who is under 18 years of age, any tobacco, cigarette, cigarette papers, any other instrument or paraphernalia that is designed for the smoking or ingestion of tobacco, or products prepared from tobacco. The existing civil penalties range from \$400 to \$600 for a first violation, up to \$5,000 to \$6,000 for a 5th violation within a 5-year period.

Existing law prohibits the sale, distribution, or nonsale distribution of tobacco products directly or indirectly to any person under 18 years of age through the United States Postal Service or through any other public or private postal or package delivery service at locations, including, but not limited to, public mailboxes and mailbox stores. Under existing law, a district attorney, city attorney, or the Attorney General may assess civil penalties against a violator of that provision of not less than \$1,000 or more than \$2,000 for the first violation and up to \$10,000 for a 5th violation within a 5-year period.

Under existing law, every person, firm, or corporation that knowingly or under circumstances in which it has knowledge, or should otherwise have grounds for knowledge, sells, gives, or in any way furnishes to another person who is under 18 years of age any cigarette, among other specified items, is subject to either a criminal action for a misdemeanor or to a civil action brought by a city attorney, a county counsel, or a district attorney, punishable by a fine of \$200 for the first offense, \$500 for the 2nd offense, and \$1,000 for the 3rd offense.

This bill would state findings and declarations of the Legislature regarding the health and safety hazards to residents of the state related to single-use cigarette filters. The bill would prohibit a person or entity from selling, giving, or in any way furnishing to another person of any age in this state a cigarette utilizing a single-use filter made of any material, including cellulose acetate, or other fibrous plastic material, and any organic or biodegradable material. The bill would prohibit that selling, giving, or furnishing, whether conducted directly or indirectly through an in-person transaction or by means of any public or private method of shipment or delivery to an address in this state.

This bill would provide that each violation of that prohibition is subject to a civil fine of \$500, and would authorize a district attorney or city attorney to assess that civil fine.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local

program: no.

The people of the State of California do enact as follows:

P2 1 SECTION 1.

Division 8.55 (commencing with Section 22964)

2 is added to the Business and Professions Code, immediately
3 following Section 22963, to read:

4
5 DIVISION 8.55. PROHIBITION ON SINGLE-USE FILTER
6 CIGARETTES

7
8 22964.

(a) Studies published in the peer-reviewed journal
9 Tobacco Control estimate the percentage of smokers who litter to
10 range from 75 percent to 92 percent, for smokers between 21 and
11 25 years of age. It is estimated that 845,500 tons of cigarette butts
12 become litter around the globe each year.

P3 1 (b) Cigarette butts have consistently been the single
2 most-recovered item since collections began among volunteer
3 groups, including the Ocean Conservancy and its International
4 Coastal Cleanup event, which cleans litter in waterways, beaches,
5 and parks in this state.

6 (c) Although the citation rate for littering cigarette waste is
7 annually about five times that of general litter from vehicles, as
8 reported in the Department of Motor Vehicles' citation statistics,
9 cigarette butts remain at the top of the list for litter on our
10 highways.

11 (d) The Department of Transportation has estimated the costs
12 to clean up cigarette butts at forty-one million dollars (\$41,000,000)
13 annually.

14 (e) The City and County of San Francisco has estimated costs
15 for city abatement of cigarette butts at over six million dollars
16 (\$6,000,000) annually.

17 (f) From 2006 to 2008, the American Association of Poison
18 Control Centers reported approximately 12,600 cases of children
19 ingesting cigarettes or cigarette butts. Children under six years of
20 age are especially prone to cigarette butt ingestion.

21 (g) The well-documented and common occurrence of cigarette
22 butt ingestion by domestic animals points to the larger impact that
23 improperly discarded cigarette butts have on our environment and
24 wildlife.

25 (h) As early as the mid-1960s, the Surgeon General of the United
26 States judged cigarette filters to be useless in reducing harm to the
27 average smoker.

28 (i) Banning the sale, gift, or other furnishing of cigarettes with
29 single-use filters is necessary to keep toxic litter out of our state's
30 environment and promote the health and safety of our state's
31 residents.

32 22965.

(a) No person or entity shall sell, give, or in any way
33 furnish to another person, of any age, in this state, a cigarette
34 utilizing a single-use filter made of any material including, but not

35 limited to, cellulose acetate, or other fibrous plastic material, or
36 any organic or biodegradable material. The prohibition under this
37 subdivision applies to any direct or indirect transaction, whether
38 made in-person in this state or by means of any public or private
39 method of shipment or delivery to an address in this state.

P4 1 (b) The sale, gift, or other furnishing of one to 20 cigarettes
2 constitutes a single violation of this section.
3 22966.

4 Each violation of Section 22965 is subject to a civil
5 fine of five hundred dollars (\$500). Only a district attorney or city
6 attorney may assess the civil fine against each person determined
7 to be in violation of Section 22965. Fine moneys assessed pursuant
8 to this section shall be deposited in the treasury of the city or
9 county, respectively, of the city attorney or district attorney who
assessed the fine.

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- ☐ 1. For reference to Committee.
An Ordinance, Resolution, Motion, or Charter Amendment.
- ☒ 2. Request for next printed agenda Without Reference to Committee or as Special Order at Board.
- ☐ 3. Request for hearing on a subject matter at Committee or as Special Order at Board.
- ☐ 4. Request for letter beginning "Supervisor [] inquires"
- ☐ 5. City Attorney request.
- ☐ 6. Call File No. [] from Committee.
- ☐ 7. Budget Analyst request (attach written motion).
- ☐ 8. Substitute Legislation File No. []
- ☐ 9. Request for Closed Session (attach written motion).
- ☐ 10. Reactivate File No. []
- ☐ 11. Board to Sit as A Committee of the Whole.
- ☐ 12. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- ☐ Small Business Commission ☐ Youth Commission ☐ Ethics Commission
☐ Planning Commission ☐ Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

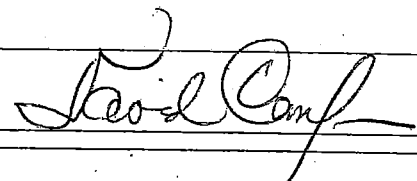
Sponsor(s):

Camos

Subject:

Supporting Passage of California Assembly Bill 1504.

The text is listed below or attached:

Signature of Sponsoring Supervisor: 

For Clerk's Use Only:

