

# How to Read and Analyze a Bill

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Jano Dekermenjian

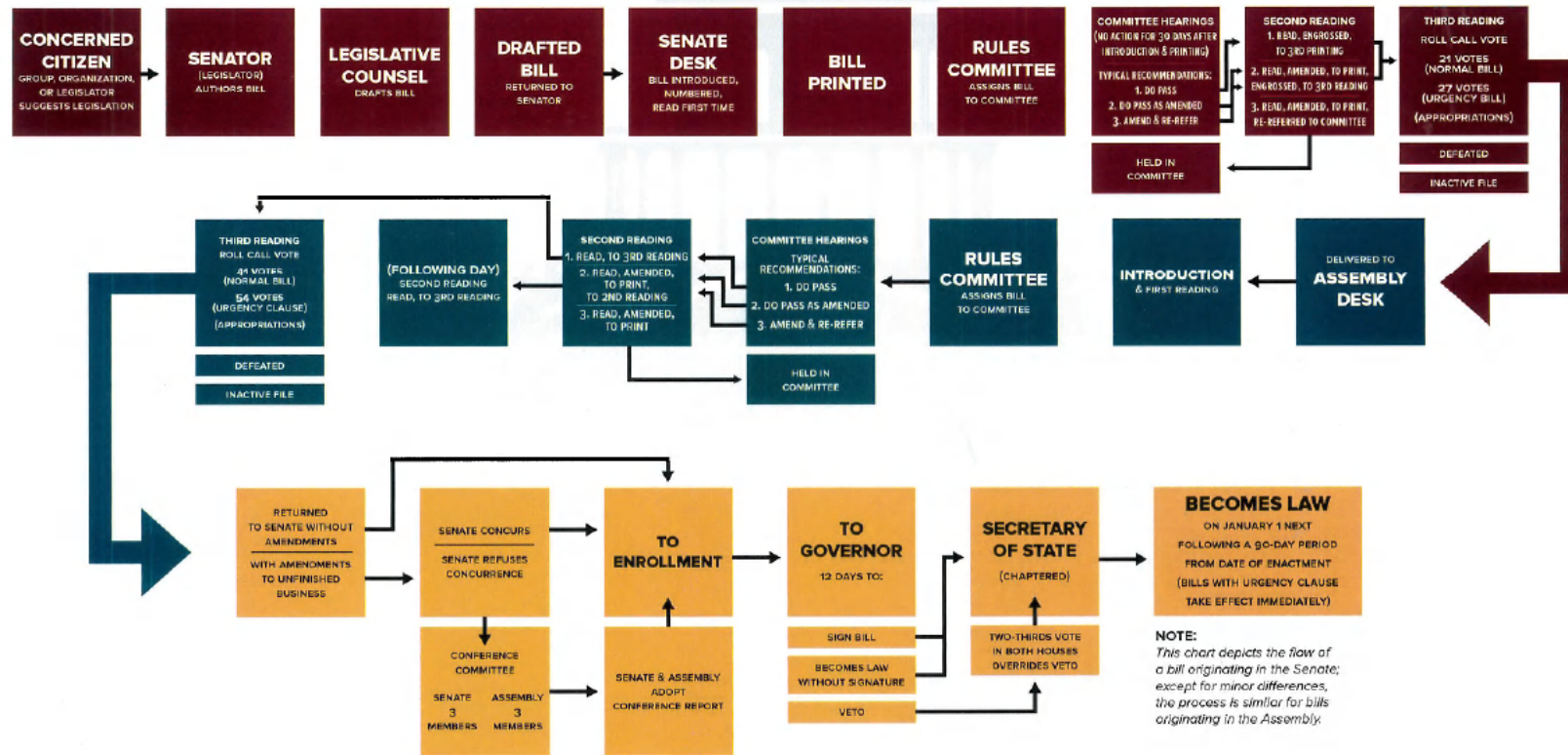
Capitol Director

Office of Senator Jerry Hill



# HOW A **BILL** BECOMES **LAW** IN CALIFORNIA

A chart showing the route a bill takes through the California Legislature.



COMPLIMENTS OF: **SENATOR JERRY HILL, 13<sup>TH</sup> SENATE DISTRICT**

# Legislative Process

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1. Legislator introduces bill.
2. Bill is heard and voted on by a policy committee. If approved...
3. Bills that have a fiscal impact are heard and voted by the Appropriations Committee. If approved...
4. The bill is voted on by the full Senate/Assembly. If approved...
5. The process repeats in the second house.
6. If approved by the second house without amendments, the bill head to the Governor.
7. If approved by the second house with amendments, the bill heads back to the first house for a final vote, then heads to the Governor.
8. Governor signs or vetoes.

# Senate Bill 39 (Hill, 2019)

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**Bill Summary:** SB 39 imposes stricter age verification requirements for tobacco products sold online or by mail.

The bill requires tobacco companies to deliver tobacco products in conspicuously marked containers and obtain the signature of a person 21 years of age or older before delivering a tobacco product.

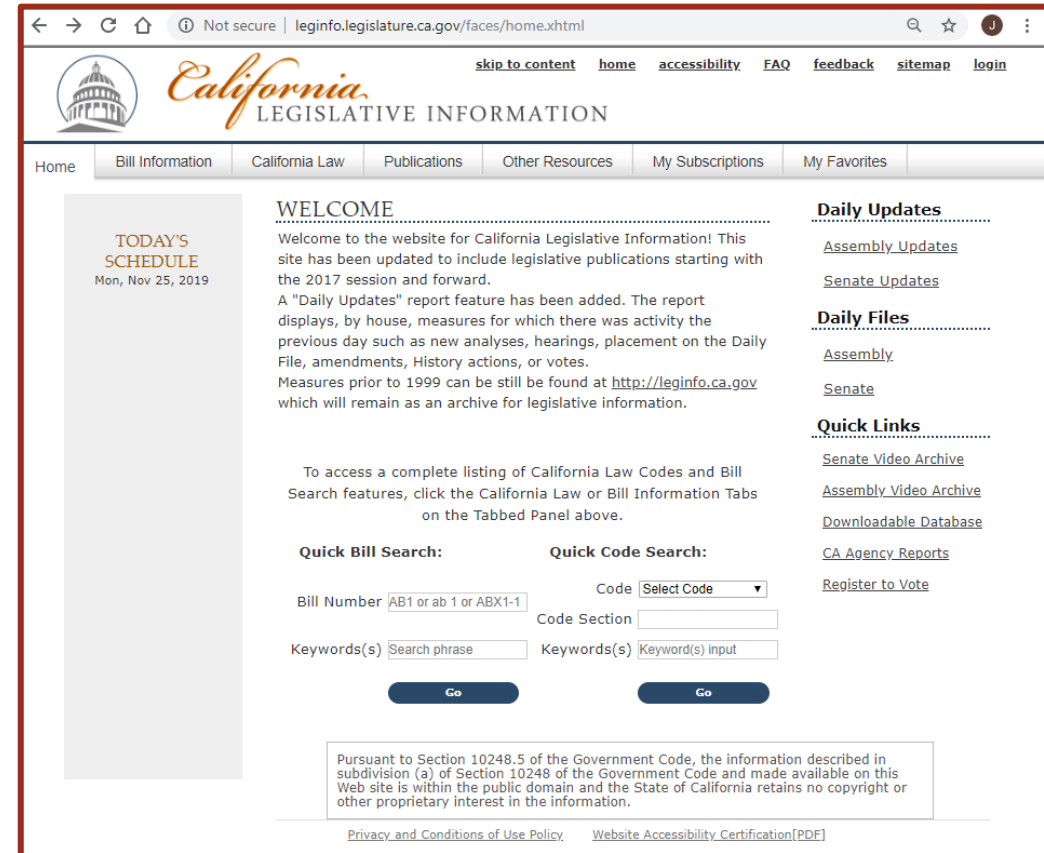


*Image Source: Tobacco Control Legal Consortium*




# Leginfo: CA's Legislative Information Website

- <http://leginfo.legislature.ca.gov>
- One stop shop for:
  - Bill information
  - California law
  - Legislative publications
  - Variety of other legislative resources



# How to Look up a Bill

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 *California*  
LEGISLATIVE INFORMATION

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[Bill Information](#) >> Bill Search

**Bill Search** Text Search

Bill Number: **SB 39** Session Year: 2019 - 2020 ▾ Keyword(s):   
House: Both ▾ Author: All ▾ For a phrase: "Surround it with Quotes"  
Statute Year:  Code: All ▾  
Chapter Number:  Code Section:

[Search](#) [Clear](#)

# Key Features: Leginfo Bill Page

- Bill Text
- Votes
- History/Status
- Committee Analysis
- Tracking Notification

The screenshot displays the California Legislative Information website. The header includes the state seal, the text "California LEGISLATIVE INFORMATION", and navigation links such as "skip to content", "home", "accessibility", "FAQ", "feedback", "sitemap", and "login". A "Quick Search" box is present with a "Bill Number" dropdown and a "go" button. Below the header is a navigation bar with links for "Home", "Bill Information", "California Law", "Publications", "Other Resources", "My Subscriptions", and "My Favorites". The main content area shows the bill "SB-39 Tobacco products. (2019-2020)". It includes a "PDF" link, "Add To My Favorites", "Track Bill", and a "Version" dropdown set to "09/16/19 - Chaptered". A tabbed interface shows "Text" as the active tab, with other tabs for "Votes", "History", "Bill Analysis", "Today's Law As Amended", "Compare Versions", "Status", and "Comments To Author". Below the tabs are social media sharing icons and a "Date Published: 09/17/2019 04:00 AM". The bill title "Senate Bill No. 39" and "CHAPTER 295" are displayed. The description reads: "An act to amend Section 22963 of the Business and Professions Code, relating to tobacco products." It also notes "[ Approved by Governor September 16, 2019. Filed with Secretary of State September 16, 2019. ]". The "LEGISLATIVE COUNSEL'S DIGEST" section follows, starting with "SB 39, Hill. Tobacco products." and providing a summary of the bill's provisions. At the bottom, it states "THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:" and "SECTION 1. Section 22963 of the Business and Professions Code is amended to read:". The final paragraph of the section reads: "22963. (a) The sale, distribution, or nonsale distribution of tobacco products directly or indirectly to any person under 21 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, is prohibited."

# How to Read a Bill

Date bill last amended	AMENDED IN SENATE APRIL 10, 2019
Bill number	<b>SENATE BILL</b> No. 39
Authors and coauthors	<b>Introduced by Senators Hill, Glazer, and Portantino</b> (Principal coauthor: Assembly Member McCarty) (Coauthors: Senators Allen, Beall, Dodd, Hertzberg, Leyva, Skinner, Stone, Wieckowski, and Wiener) (Coauthors: Assembly Members Berman, Bloom, Cristina Garcia, Kalra, Rodriguez, Ting, and Wood)
Date of introduction	December 3, 2018
Descriptive title, which indicates code section(s) being amended or added	An act to amend Section 22963 of the Business and Professions Code, relating to tobacco products.
Legislative Counsel summary of the bill and relevant existing law	<b>LEGISLATIVE COUNSEL'S DIGEST</b> SB 39, as amended, Hill. Tobacco products. Existing law, the Stop Tobacco Access to Kids Enforcement (STAKE) Act, prohibits the sale, distribution, or nonsale distribution of tobacco products, as defined, directly or indirectly to any person under 21 years of age through the United States Postal Service or through any other public or private postal or package delivery service. Existing law requires a person selling or distributing tobacco products directly to a consumer through the United States Postal Service or by another postal or package delivery service to comply with specified age-verification policies. <del>policies</del> <i>policies and deliver only to the consumer's verified mailing or billing address, as applicable.</i> Existing law authorizes enforcing agencies to assess civil penalties for violations of the STAKE Act. This bill would additionally require sellers, distributors, and nonsale distributors to deliver tobacco products only in conspicuously marked containers, as specified, and to obtain the signature of a person 21 years of age or older before delivering a tobacco product. <i>The bill would allow</i>

**Strikeout** indicates word being deleted;  
*Italicized* text indicates new language

# How to Read a Bill (continued)

Page number

Bill Key:

Indicates vote  
threshold, if bill is fiscal,  
if bill creates a state  
mandated local program

Line number

Actual bill language  
that will be codified

Amendments:  
**Strikeout** indicates  
word being deleted;  
*Italicized* text indicates  
new language

SB 39

— 2 —

*a person to designate an address for delivery that is different from the person's mailing or billing address, if the person's mailing or billing address has been verified in accordance with specified provisions.*

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

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

1 SECTION 1. Section 22963 of the Business and Professions  
2 Code is amended to read:

3 22963. (a) The sale, distribution, or nonsale distribution of  
4 tobacco products directly or indirectly to any person under 21 years  
5 of age through the United States Postal Service or through any  
6 other public or private postal or package delivery service at  
7 locations, including, but not limited to, public mailboxes and  
8 mailbox stores, is prohibited.

9 (b) Any person selling or distributing, or engaging in the nonsale  
10 distribution of, tobacco products directly to a consumer in the state  
11 through the United States Postal Service or by any other public or  
12 private postal or package delivery service, including orders placed  
13 by mail, telephone, facsimile transmission, or the Internet, internet,  
14 shall comply with the following provisions:

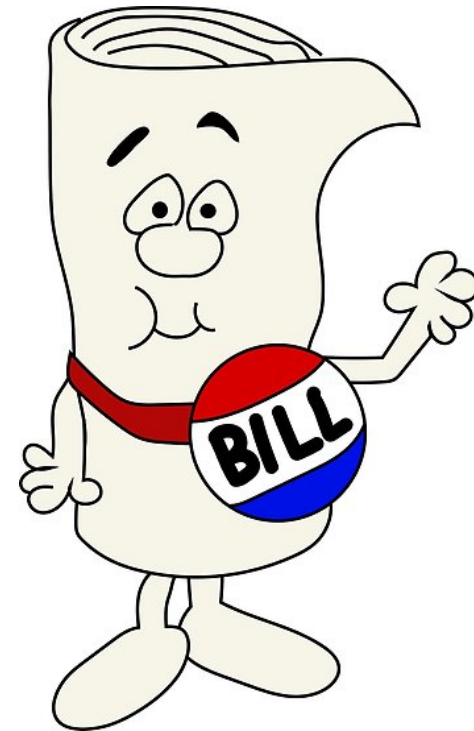
15 (1) (A) Before enrolling a person as a customer, or distributing  
16 or selling, or engaging in the nonsale distribution of, the tobacco  
17 product through any of these means, the distributor or seller shall  
18 verify that the purchaser or recipient of the product is 21 years of  
19 age or older. The distributor or seller shall attempt to match the  
20 name, address, and date of birth provided by the customer to  
21 information contained in records in a database of individuals whose  
22 age has been verified to be 21 years or older by reference to an  
23 appropriate database of government records kept by the distributor,  
24 a direct marketing firm, or any other entity. In the case of a sale,  
25 the distributor or seller shall also verify that the billing address on  
26 the check or credit card offered for payment by the purchaser  
27 matches the address listed in the database.

28 (B) If the seller, distributor, or nonsale distributor, is unable to  
29 verify that the purchaser or recipient is 21 years of age or older  
30 pursuant to subparagraph (A), ~~he or she~~ *the seller, distributor, or*  
31 *nonsale distributor* shall require the customer or recipient to submit  
32 an age-verification kit consisting of an attestation signed by the

# Tips for Reading a Bill

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- Check to see if the bill is adding new language, amending existing language, or both.
- While the Legislative Counsel summary is helpful, be sure to read the actual bill text carefully.
- Have the latest version of the bill.
- Review the committee analysis, if available.
- Do not hesitate to contact the author's office.
- For complex bills, or bills that are heavily amended, consider using the “Today's Law as Amended” feature on the Leginfo website.





# Today's Law as Amended

“Today's Law As Amended” indicates how the current law would be changed if the bill takes effect. The proposed *text additions* to the code section are displayed in blue italics and the proposed ~~deletions~~ are displayed in red strikethrough.

This feature can be helpful for complex or heavily amended bills.

The screenshot shows the California Legislative Information website. The browser address bar displays "leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill\_id=201920200SB39". The website header includes the California state seal and the text "California LEGISLATIVE INFORMATION". A navigation bar contains links for "skip to content", "home", "accessibility", "FAQ", "feedback", "sitemap", and "login". A "Quick Search" box is present with a dropdown menu for "Bill Number" and a "go" button. Below the navigation bar, a breadcrumb trail reads "Bill Information >> Bill Search >> Today's Law As Amended". The main content area is titled "SB-39 Tobacco products. (2019-2020)". A toolbar includes links for "PDF", "Add To My Favorites", "Track Bill", and a "Version" dropdown menu set to "04/10/19 - Amended Senate". Below the toolbar, a tabbed interface shows "Text", "Votes", "History", "Bill Analysis", "Today's Law As Amended" (which is circled in red), "Compare Versions", "Status", and "Comments To Author". The "Today's Law As Amended" tab displays the following text:

**SECTION 1.** Section 22963 of the Business and Professions Code is amended to read:

**22963.** (a) The sale, distribution, or nonsale distribution of tobacco products directly or indirectly to any person under 21 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, is prohibited.

(b) Any person selling or distributing, or engaging in the nonsale distribution of, tobacco products directly to a consumer in the state through the United States Postal Service or by any other public or private postal or package delivery service, including orders placed by mail, telephone, facsimile transmission, or the ~~internet~~ *internet*, shall comply with the following provisions:

(1) (A) Before enrolling a person as a customer, or distributing or selling, or engaging in the nonsale distribution of, the tobacco product through any of these means, the distributor or seller shall verify that the purchaser or recipient of the product is 21 years of age or older. The distributor or seller shall attempt to match the name, address, and date of birth provided by the customer to information contained in records in a database of individuals whose age has been verified to be 21 years or older by reference to an appropriate database of government records kept by the distributor, a direct marketing firm, or any other entity. In the case of a sale, the distributor or seller shall also verify that the billing address on the check or credit card offered for payment by the purchaser matches the address listed in the database.

(B) If the seller, distributor, or nonsale distributor, is unable to verify that the purchaser or recipient is 21 years of age or older pursuant to subparagraph (A), ~~he or she~~ *the seller, distributor, or nonsale distributor* shall require the customer or recipient to submit an age-verification kit consisting of an attestation signed by the customer or recipient that ~~he~~ *the customer* or ~~she~~ *the recipient* is 21 years of age or older and a copy of a valid form of government identification. For the purposes of this section, a valid form of government identification includes a driver's license, state identification card, passport, an official naturalization or immigration document, such as an alien registration receipt card (commonly known as a "green card") or an immigrant visa, or military identification. In the case of a sale, the distributor or seller shall also verify that the billing address on the check or credit card provided by the consumer matches the address listed in the form of government identification.

(2) In the case of a sale, the distributor or seller shall impose a two-carton minimum on each order of cigarettes, and shall require payment for the purchase of any tobacco product to be made by personal check of the purchaser or the purchaser's credit card. No money order or cash payment shall be received or permitted. The distributor or seller shall submit to each credit card acquiring company with which it has credit card sales identification information in an appropriate form and format so that the words "tobacco product" may be printed in the purchaser's credit card statement when a purchase of a tobacco product is made by credit card payment.

(3) In the case of a sale, the distributor or seller shall make a telephone call after 5 p.m. to the purchaser confirming the order prior to shipping the tobacco products. The telephone call may be a person-to-person call or a recorded message. The distributor or seller is not required to speak directly with a person and may leave a message on an answering machine or by voice mail.

(4) (A) The nonsale distributor shall deliver the tobacco product to the recipient's verified mailing address, or in the case of a sale, the seller or distributor shall deliver the tobacco product to the purchaser's verified billing address on the check or credit card used for payment. ~~No delivery described under this section shall be permitted to any post office box.~~


(B) *In the case of a nonsale, a recipient may designate an alternative address for delivery, if the recipient's mailing address has been verified in accordance with this section.*

(C) *In the case of a sale, a purchaser may designate an alternative address for delivery, if the purchaser's billing address has been verified in accordance with this section.*

(D) *A delivery described under this section shall not be permitted to any post office box.*

# Votes

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**SB-39 Tobacco products.** (2019-2020)



Text **Votes** History Bill Analysis Today's Law As Amended ⓘ Compare Versions Status Comments To Author

Bill Votes	
Date	09/03/19
Result	(PASS)
Location	Assembly Floor
Ayes Count	77
Noes Count	0
NVR Count	2
Motion	SB 39 Hill Senate Third Reading By McCarty
Ayes	Aguiar-Curry, Arambula, Bauer-Kahan, Berman, Bigelow, Bloom, Boerner Horvath, Bonta, Brough, Burke, Calderon, Carrillo, Cervantes, Chau, Chen, Chiu, Choi, Chu, Cooley, Cooper, Cunningham, Daly, Diep, Eggman, Flora, Fong, Friedman, Gabriel, Gallagher, Cristina Garcia, Gipson, Gloria, Gonzalez, Gray, Grayson, Holden, Irvin, Jones-Sawyer, Kalra, Kamlager-Dove, Kiley, Lackey, Levine, Limón, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Melendez, Mullin, Muratsuchi, Nazarian, Obernalte, O'Donnell, Patterson, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Smith, Mark Stone, Ting, Voepel, Waldron, Weber, Wicks, Wood, Rendon
Noes	
NVR	Frazier, Eduardo Garcia

# History/Status

Shows where a bill has gone,  
and where a bill will go.

← → ↻ 🏠 ⓘ Not secure | leginfo.legislature.ca.gov/faces/billHistoryClient.xhtml?bill\_id=201920200SB39 🔍 ☆ 👤 ⋮



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Bill Information >> Bill Search >> Bill History

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### SB-39 Tobacco products. (2019-2020)



Text Votes **History** Bill Analysis Today's Law As Amended ⓘ Compare Versions Status Comments To Author

Date	Action
09/16/19	Chaptered by Secretary of State, Chapter 295, Statutes of 2019.
09/16/19	Approved by the Governor.
09/10/19	Enrolled and presented to the Governor at 4 p.m.
09/03/19	In Senate. Ordered to engrossing and enrolling.
09/03/19	Read third time. Passed. (Ayes 77. Noes 0. Page 2955.) Ordered to the Senate.
08/15/19	Read second time. Ordered to third reading.
08/14/19	From committee: Do pass. (Ayes 18. Noes 0.) (August 14).
07/11/19	(Received at desk July 10 pursuant to JR 61(a)(10)).
07/11/19	From committee: Do pass and re-refer to Com. on APPR. (Ayes 21. Noes 0.) (July 10). Re-referred to Com. on APPR.
05/16/19	Referred to Com. on G.O.
05/07/19	In Assembly. Read first time. Held at Desk.
05/06/19	Read third time. Passed. (Ayes 38. Noes 0. Page 958.) Ordered to the Assembly.
04/30/19	Read second time. Ordered to third reading.
04/29/19	From committee: Be ordered to second reading pursuant to Senate Rule 28.8.
04/18/19	Set for hearing April 29.
04/10/19	From committee with author's amendments. Read second time and amended. Re-referred to Com. on APPR.
03/28/19	From committee: Do pass and re-refer to Com. on APPR. (Ayes 9. Noes 0. Page 490.) (March 27). Re-referred to Com. on APPR.
03/07/19	Set for hearing March 27.
01/16/19	Referred to Com. on HEALTH.
12/04/18	From printer. May be acted upon on or after January 3.
12/03/18	Introduced. Read first time. To Com. on RLS. for assignment. To print.

# Committee Analysis

The analysis includes:

- Summary of existing law
- Explanation of what the bill does
- Background on the policy
- List of support and opposition
- Questions/concerns the committee staff may have

[PDF](#) | [Add To My Favorites](#) | [Track Bill](#) | Version: 04/10/19 - Amended Senate  

SB-39 Tobacco products. (2019-2020)

Text	Votes	History	<b>Bill Analysis</b>	Today's Law As Amended ⓘ	Compare Versions	Status	Comments To Author
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SENATE COMMITTEE ON HEALTH

Senator Dr. Richard Pan, Chair

BILL NO:

AUTHOR:

VERSION:

HEARING DATE:

CONSULTANT:

SB 39

Hill, Glazer, and Portantino

December 3, 2018

March 27, 2019

Reyes Diaz

**SUBJECT:** Tobacco products.

**SUMMARY:** Requires a tobacco product to be delivered only in a container that is conspicuously labeled as being a tobacco product that requires the signature or a person 21 years of age or older. Requires, before completing a delivery, a specified entity to obtain the signature of a person 21 years of age or older upon delivering the product to the recipient's or purchaser's address.

Existing law:

1) Requires the Department of Public Health (DPH) to establish and develop a program to reduce the availability of "tobacco products," as defined, to persons under 21 years of age through authorized enforcement activities, as specified, pursuant to the Stop Tobacco Access to Kids Enforcement Act (STAKE Act). [BPC §22952]

2) Prohibits the sale, distribution, or nonsale distribution of tobacco products directly or indirectly to any person under 21 through the U.S. 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. [BPC §22963]

3) Requires any person selling or distributing, or engaging in the nonsale distribution of, tobacco products directly to a consumer in the state through the U.S. Postal Service or by any other public or private postal or package delivery service, including orders placed by mail, telephone, facsimile transmission, or the Internet, to comply with specific provisions that include, but are not limited to:

a) Verifying that the purchaser or recipient of the product is 21 by attempting to match the name, address, and date of birth provided by the customer to information contained in records in a database of individuals whose age has been verified to be 21 or older by reference to an appropriate database of government records kept by the distributor, a direct marketing firm, or any other entity; or,

b) Requiring a customer or recipient of tobacco products to submit an age-verification kit consisting of an attestation signed by the customer or recipient that he or she is 21 or older, and a copy of a valid form of government identification, as specified. [BPC §22963]

4) Permits a district attorney, city attorney, or the California Attorney General to assess civil penalties against any person, firm, corporation, or other entity that violates 2) or 3) above of existing law ranging from \$1,000 to \$10,000 for a first, second, third, fourth, or fifth violation within a five-year period. [BPC §22963]

5) Defines "tobacco product" as a product containing, made, or derived from tobacco or nicotine that is intended for human consumption, as specified, including an electronic device

8) *Support.* The sponsors of this bill argue that a study by the Journal of the American Medical Association found that more than 96% of 15 to 16 year olds were able to find an Internet cigarettes vendor and place an order in less than 25 minutes, with most completing the order in seven minutes. The sponsors state that this bill will be a critical component in the efforts to restrict the sales of tobacco to children. The sponsors and other supporters of this bill, largely health advocates, health professionals, and local governments, argue that tobacco products remain the leading cause of preventable illness, disability, and death in the nation. Supporters argue that the effects of tobacco are even more concerning in youth, whose brains are still developing, and that products are increasingly marketed to youth with enticing flavors and product design. Supporters cite recent studies that found youth users of ESDs rose by 78% between 2017 and 2018, and that 440,000 youth in the state are expected to die prematurely as a result of tobacco use. Further, supporters state that an alarming 80% of youths who have ever used tobacco started with a flavored product. Supporters argue that this bill would help reduce access to youth and help protect them from establishing a deadly addiction and serious health problems.

9) *Opposition.* The Cigar Association of America, Inc. (CAA) states that they are adamantly opposed to youth usage of cigars and pipe tobacco, but this bill would disproportionately harm their industry. CAA argues that this bill would make it more difficult for adult consumers to purchase products that are not available to them in a local retail setting. CAA argues that this bill creates an additional barrier despite the lack of evidence demonstrating that existing statutory requirements have been ineffective in preventing products from reaching adult consumers. CAA states the majority of parcel deliveries occur during business hours when consumers are not home, and orders would ultimately be returned to the sender without delivery.

**SUPPORT AND OPPOSITION:**

Support:

American Cancer Society Cancer Action Network (co-sponsor)  
American Heart Association (co-sponsor)  
American Lung Association (co-sponsor)  
Alameda County Tobacco Control Coalition  
American Academy of Pediatrics, California  
Association of California Healthcare Districts  
California Chapter of the American College of Cardiology  
California Dental Association  
California Society of Addiction Medicine  
California State PTA  
The Cancer Journey  
City of Palo Alto  
City of San Leandro  
City of San Pablo  
County Health Executives Association of California  
County of Santa Clara  
Families Uniting Locally to Solve Tobacco Proliferation  
Flavors Hook Kids—Livermore  
Health Access California  
Lucile Packard Children's Hospital Stanford  
National Association of Pediatric Nurse Practitioners, SF Bay Area Chapter  
Sierra Club California  
USC Health, Emotion, and Addiction Laboratory  
USC Institute for Health Promotion and Disease Prevention Research  
USC Tobacco Center on Regulatory Science  
Various individuals

Oppose:

Cigar Association of America, Inc.

# Bill Tracking on Leginfo

- Leginfo allows users to track a bill.
- You will get email notifications whenever there is a bill update, like amendments or a committee hearing.
- There is also a Keyword Tracking feature which provides an easy way to be notified when bills impacting a particular subject are introduced or amended.

The screenshot shows the California Legislative Information website. The browser address bar displays the URL: `leginfo.legislature.ca.gov/faces/billTrackingEdit.xhtml?bill_id=201920200SB39`. The page header includes the California state seal and the text "California LEGISLATIVE INFORMATION". Navigation links include "skip to content", "home", "accessibility", "FAQ", "feedback", "sitemap", and "logout". A "Quick Search:" box is present with a dropdown menu for "Bill Number" and a "go" button. Below the header, a navigation bar contains links for "Home", "Bill Information", "California Law", "Publications", "Other Resources", "My Subscriptions", and "My Favorites". The main content area is titled "My Subscriptions >> Notification Points" and displays "BILL: SB-39 - TOBACCO PRODUCTS\_0". Under the heading "SELECT BILL TRACKING NOTIFICATION POINTS:", there is a table with two columns: "Select All Notification Points" and "Description". The table lists seven notification points, all of which are checked. At the bottom of the table, there are "Add Notifications" and "Cancel" buttons.

Select All Notification Points	Description
<input checked="" type="checkbox"/> Across the Desk	A notification of when the committee recommendation crosses the desk. Includes committee recommendations that re-refer the measure to another committee.
<input checked="" type="checkbox"/> To Committee	A notification of when each measure is originally referred to either a Senate or Assembly committee as well as any subsequent re-referrals from the floor. A notification will be sent if the action is later rescinded or reconsidered.
<input checked="" type="checkbox"/> Amended	A notification of when a measure is amended on second or third reading as well as measures amended by author's amendments. A notification will be sent if the action is later rescinded or reconsidered.
<input checked="" type="checkbox"/> Floor Results	A notification of how a measure performs on the Senate or Assembly floor; pass; fail; moved to the inactive file or special consent calendar; or if the measure is returned to the other house. A notification will be sent if the action is later rescinded or reconsidered.
<input checked="" type="checkbox"/> Enrolled and Governor's Response	A notification of when a measure is enrolled with the Governor, if it's approved or vetoed, or if the bill was returned by the Governor at the request of either house.
<input checked="" type="checkbox"/> Final Results	A notification indicating the final action of a measure: its chapter number; if it failed or died in committee; or died pursuant to the Constitution.
<input checked="" type="checkbox"/> Measure Set For Hearing	Measure Set For Hearing

# Working with the Legislature

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- If you are concerned about a specific bill or issue, let your legislator know.
- Give them a call, write a letter, request a meeting.
- Reach out to their staff.
- Request a “fact sheet” for bills that are of interest.

## SAMPLE LETTER OF SUPPORT

November 25, 2019

The Honorable Jerry Hill  
Senator, 13<sup>th</sup> District  
State Capitol, Room 5035  
Sacramento, CA 95814

Re.: Senate Bills 39 – Support

Dear Senator Hill:

On behalf of the [insert your/ organization name], I am writing to express support for SB 39, which will strengthen laws for tobacco delivery.

The sale of tobacco products online presents a significant public health problem. Many internet tobacco vendors do little to verify the age and identity of their customers, making it very easy for minors to purchase tobacco products. Also, tobacco-marketing restrictions that apply to television and billboards do not apply to online advertising, which allows tobacco companies to aggressively market their products online.

Modeled after laws for alcohol delivery, SB 39 will close a major loophole in online tobacco sales by requiring tobacco vendors to obtain the signature of a person 21 years of age or older before delivering a tobacco product. The bill will also require parcels containing tobacco products to be clearly labeled as containing tobacco.

Should you have any questions about our position on this legislation, please do not hesitate to contact [contact name/title] at [phone and/or email].

Sincerely,

[Signature]

[Name]

[Title]

[Organization]

[Address]



# SB 39 Fact Sheet



## Senator Jerry Hill, 13<sup>th</sup> Senate District SB 39 – Age Verification for Tobacco Delivery

### IN BRIEF

SB 39 will impose stricter age verification requirements for tobacco products sold online or by mail. The bill would require tobacco companies to deliver tobacco products in conspicuously marked containers and obtain the signature of a person 21 years of age or older before delivering a tobacco product.

### THE PROBLEM

The sale of tobacco products online presents a significant public health problem. Many internet tobacco vendors do little to verify the age and identity of their customers, making it very easy for minors to purchase tobacco products. In addition, tobacco-marketing restrictions that apply to television and billboards do not apply to online advertising, which allows tobacco companies to aggressively market their products online.

Despite state and federal laws that prohibit marketing and selling tobacco to minors, there are several loopholes in the online tobacco marketplace. For example, flavored cigarettes have been banned for years but vendors continue to market and sell these products online.<sup>1,2</sup>

Several studies have concluded that youth have easy access to tobacco products online. A comprehensive analysis found that in 2014 63.2 percent tobacco vendors employed no age verification or relied exclusively on strategies that cannot effectively verify age.<sup>3</sup> Another study found that minors are easily able to purchase e-cigarettes online due to a lack of appropriate age-verification standards. Specifically, minors were successful in buying e-cigarettes online 93 percent of the time, and 95 percent of e-cigarette deliveries were simply left at the door.<sup>4</sup>

### CURRENT LAW

**Tobacco Delivery:** The Stop Tobacco Access to Kids Enforcement (STAKE) Act, prohibits the sale of tobacco products to any person under 21 years of age through the United States Postal Service or through any other delivery service. Prior to the sale of tobacco products online, or any other means of delivery, tobacco companies must verify the age of the purchaser or recipient. However, tobacco product containers sold via delivery are not required to be labeled as containing tobacco and do not need to be signed by a person 21 years of age or older.

**Alcohol Delivery:** State law limits alcohol mail delivery to two cases of wine (no more than nine liters each case) per month to any person 21 years of age or older. Packages containing wine need to be labeled and the signature of a person 21 years of age or older is required upon delivery.

### THE SOLUTION

Modeled after standards for alcohol delivery, SB 39 will require tobacco products to be delivered only in containers labeled with the words: "CONTAINS TOBACCO PRODUCTS: SIGNATURE OF PERSON 21 YEARS OF AGE OR OLDER REQUIRED FOR DELIVERY."

The bill also will require tobacco vendors to obtain the signature of a person 21 years of age or older before delivering a tobacco product.

### SUPPORT

- American Cancer Society Cancer Action Network (Co-Sponsor)
- American Heart Association (Co-Sponsor)
- American Lung Association (Co-Sponsor)
- Alameda County
- Alameda County Tobacco Control Coalition
- American Academy of Pediatrics
- American College of Cardiology, California Chapter
- Association of California Healthcare Districts
- California Children's Hospital Association
- California Dental Association
- California Medical Association
- California Society of Addiction Medicine
- California State PTA
- The Cancer Journey
- City and County of San Francisco
- City of Emeryville
- City of Oakland
- City of Palo Alto
- City of Sacramento
- City of San Leandro
- City of San Pablo
- County Health Executives Association of California
- Families Uniting Locally to Solve Tobacco Proliferation

- Fight Back Leadership Coalition
- Flavors Hook Kids – Livermore
- Health Access
- Institute for Health Promotion and Disease Prevention Research
- Lucile Packard Children's Hospital, Stanford
- National Association of Pediatric Nurse Practitioners, San Francisco Bay Area Chapter
- San Francisco Bay Area Physicians for Social Responsibility
- Santa Clara County
- Sierra Club California

- University of Southern California (USC) Health, Emotion, and Addiction Laboratory
- USC Tobacco Center on Regulatory Science

### FOR MORE INFORMATION

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<sup>1</sup> Allem, Jon-Patrick, et al. "When a Ban Really Is Not a Ban: Internet Loopholes and Djarum Flavoured Cigarettes in the USA." *Tobacco Control*, vol. 25, no. 4, 2015, pp. 489–490. doi:10.1136/tobaccocontrol-2015-052309.

<sup>2</sup> Jo, Catherine L., et al. "Tobacco Products Sold by Internet Vendors Following Restrictions on Flavors and Light Descriptors." *Nicotine & Tobacco Research*, vol. 17, no. 3, 2014, pp. 344–349. doi:10.1093/ntn/ntu167.

<sup>3</sup> Williams, Rebecca S., et al. "Content Analysis of Age Verification, Purchase and Delivery Methods of Internet e-Cigarette Vendors, 2013 and 2014." *Tobacco Control*, vol. 27, no. 3, Aug. 2017, pp. 287–293. doi:10.1136/tobaccocontrol-2016-053616.

<sup>4</sup> Williams, Rebecca S., et al. "Electronic Cigarette Sales to Minors via the Internet." *JAMA Pediatrics*, vol. 169, no. 3, Feb. 2015, doi:10.1001/jamapediatrics.2015.63.

# Working with Committees

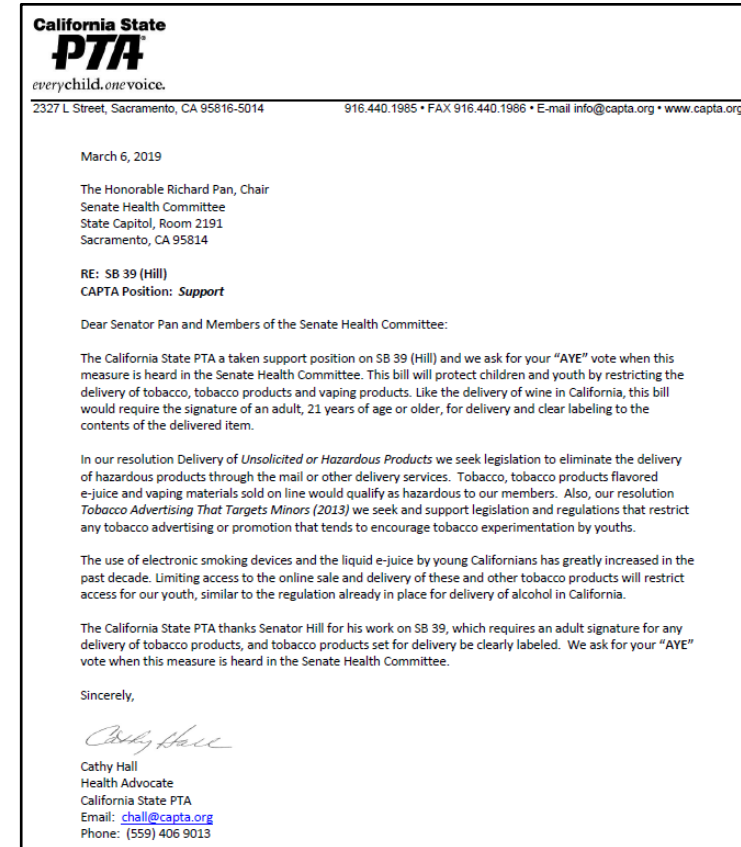
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- Committees specialize in specific policy areas.
- Committee staff are subject matter experts that review bills assigned to the committee.
- You can write a letter to the committee and testify during hearings to voice your position on a bill.
- Committee information is available on the Senate ([www.senate.ca.gov](http://www.senate.ca.gov)) and Assembly ([www.assembly.ca.gov](http://www.assembly.ca.gov)) websites.
- Hearing dates and times are available in the Daily File or Senate and Assembly Websites.



# Submitting Letters to Committees

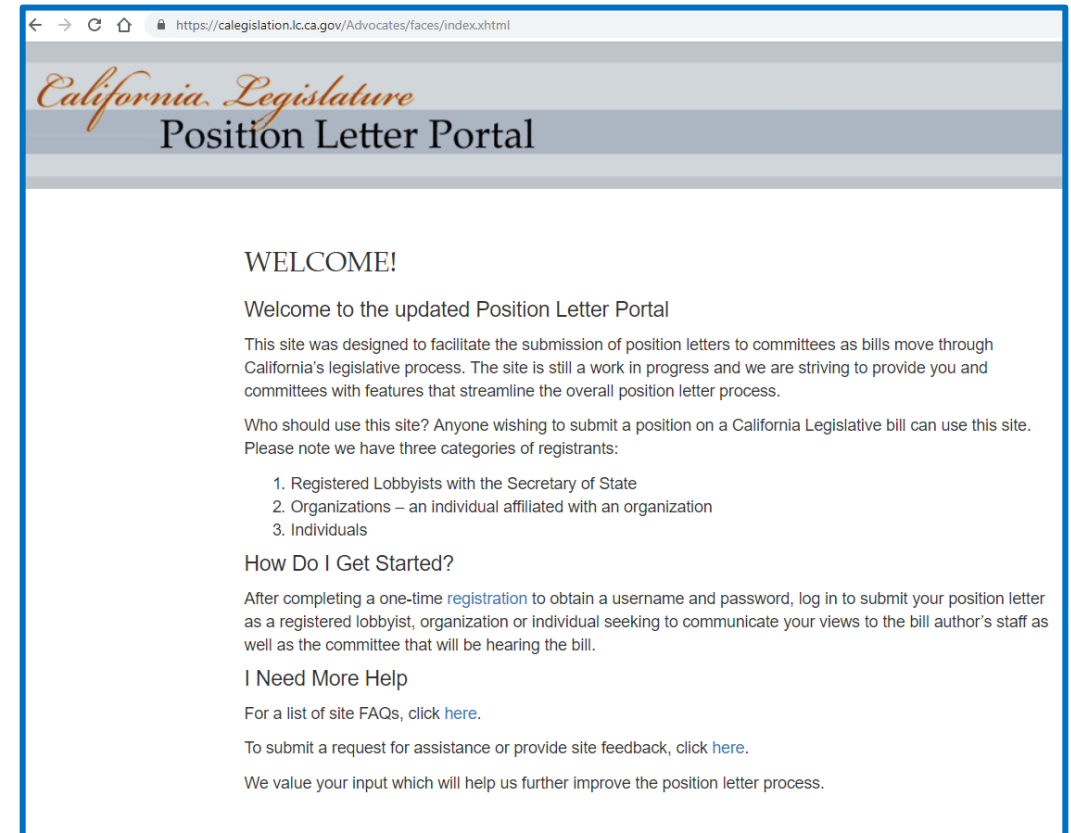
- Support and opposition letters can be submitted to committees.
- Letters to the committee are reflected in the bill's analysis and part of the committee's bill record.
- Be mindful of deadlines. Letters need to be provided to committees prior to a bill hearing.
- Committee rules and deadlines vary, so consult the committee's webpage or call the committee directly.



# Position Letter Portal

<https://calegislation.lc.ca.gov/Advocates/>

- You can now submit position letters via the online Position Letter Portal.
- This site was designed to facilitate the submission of position letters to committees as bills move through California's legislative process.
- Information on how to submit a letter are provided on [the Advocacy Quick Reference Guide](#).



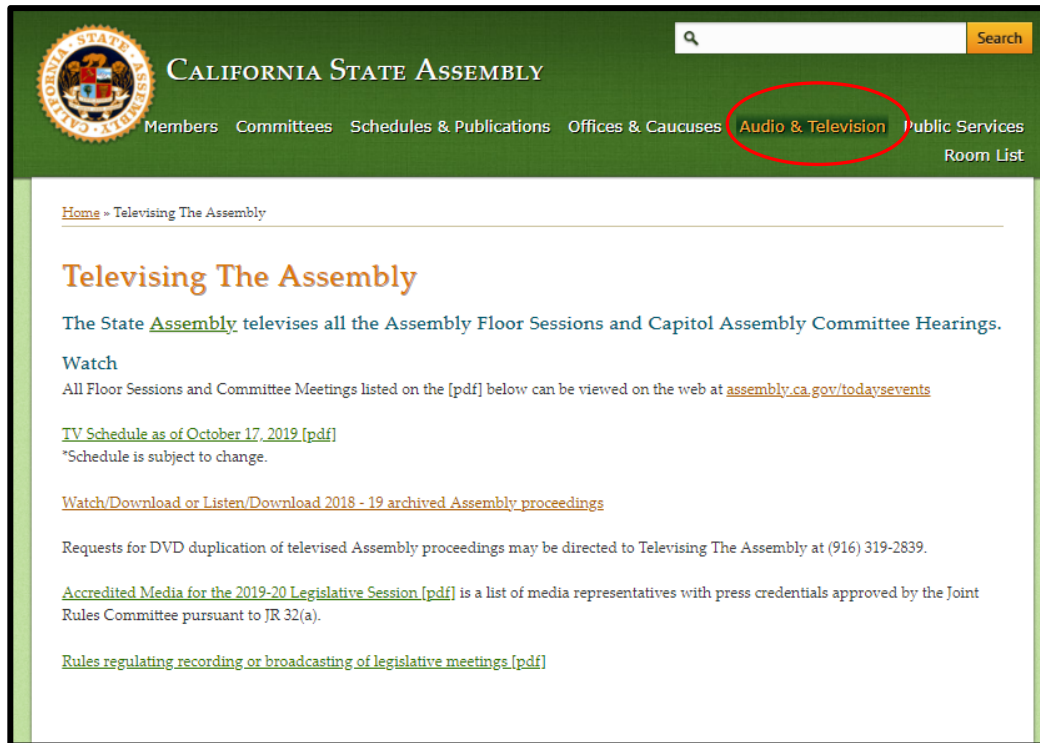
# Committee Hearings

- Committee hearings are open to the public and a great opportunity to engage in the legislative process.
- You can monitor hearings online, or attend the hearing in person and provide testimony on a bill.
- Find out when a bill is scheduled to be heard by checking the committee website or Daily File.
- Senate Committees:  
<https://www.senate.ca.gov/committees>
- Assembly Committees:  
<https://www.assembly.ca.gov/committees>

COMMITTEE AGENDA - HEALTH		
1:30 p.m. John L. Burton Hearing Room (4203) MEASURES HEARD IN FILE ORDER		
<i>Measure:</i> S.B. No. 10	<i>Author:</i> Beall.	<i>Summary:</i> Mental health services: peer, parent, transition-age, and family support specialist certification.
S.B. No. 12	Beall.	Mental health services: youth.
S.B. No. 38	Hill.	Flavored tobacco products.
S.B. No. 39	Hill.	Tobacco products.
S.B. No. 165	Atkins.	Medical interpretation services.
S.B. No. 322	Bradford.	Health facilities: inspections: employee reporting.
S.B. No. 347	Monning.	Sugar-sweetened beverages: safety warnings.
S.B. No. 440	Pan.	Cognitive Impairment Safety Net System Task Force.
S.B. No. 582	Beall.	Youth mental health and substance use disorder services.



# Hearings and Floor Session are Streamed and Archived



The screenshot shows the California State Assembly website. The header is green with the Assembly seal on the left and a search bar on the right. The navigation menu includes 'Members', 'Committees', 'Schedules & Publications', 'Offices & Caucuses', 'Audio & Television' (circled in red), and 'Public Services'. Below the header, the page title is 'Home - Televising The Assembly'. The main content area is titled 'Televising The Assembly' and includes a paragraph stating that the State Assembly televises all floor sessions and committee hearings. It provides a link to 'assembly.ca.gov/todaysevents' and a PDF link for the TV schedule as of October 17, 2019. It also mentions that requests for DVD duplication can be directed to Televising The Assembly at (916) 319-2839. A link to the 'Accredited Media for the 2019-20 Legislative Session' PDF is provided, along with a link to the 'Rules regulating recording or broadcasting of legislative meetings' PDF.

<https://www.assembly.ca.gov/audioandtv>



The screenshot shows the California State Senate website. The header is red with the Senate seal on the left and a search bar on the right. The navigation menu includes 'Home', 'Senators', 'Committees, Offices & Caucuses', 'Publications', 'Media' (circled in red), 'Citizens' Guide', 'Quick Links', 'Archive', and 'Calendar'. Below the header, the page title is 'Home - Streaming Media & Television'. The main content area is titled 'Streaming Media & Television' and includes a paragraph stating that the California State Senate streams live video and audio from all floor sessions and all regularly scheduled committee hearings. It provides a link to the 'Media Archive' page. It also mentions that California State Senate video programming can also be viewed in the downtown Sacramento area through Comcast Cable's Capitol Channels (Senate on channels 91 and 92, Assembly on 93 and 94). A link to the 'Rules regulating recording or broadcasting of legislative meetings' is provided.

<https://www.senate.ca.gov/media>



# Resources

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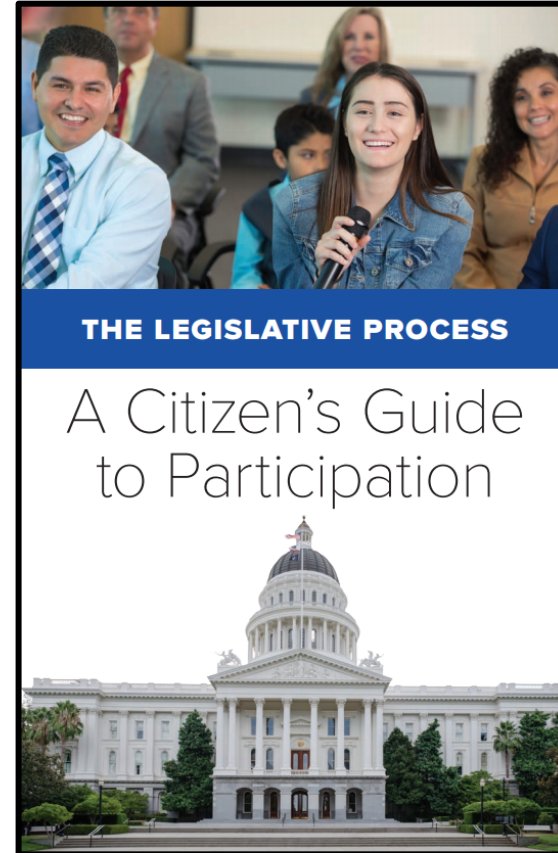
- **Leginfo:** <http://leginfo.legislature.ca.gov/faces/codes.xhtml>
- **Find your state legislators:** <http://findyourrep.legislature.ca.gov/>
- **CA Senate:** <https://www.senate.ca.gov/>
- **CA Assembly:** <https://www.assembly.ca.gov/>
- **Daily File** (*legislative schedule, printed daily during legislative session*):
  - **Senate:** <https://www.senate.ca.gov/dailyfile>
  - **Assembly:** <https://www.assembly.ca.gov/dailyfile/pdfpublications>
- **Position Letter Portal** (*for submitting letters to committees*):  
<https://calegislation.lc.ca.gov/Advocates/>
- **Advocacy Quick Reference Guide** (*instruction on how to use the portal*):  
[https://www.senate.ca.gov/sites/senate.ca.gov/files/2019\\_quick\\_ref\\_guide\\_advocacy.pdf](https://www.senate.ca.gov/sites/senate.ca.gov/files/2019_quick_ref_guide_advocacy.pdf)

# Resources *(continued)*

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➤ **Legislative Process Handbook:**

[https://www.senate.ca.gov/sites/senate.ca.gov/files/legislative\\_process.pdf](https://www.senate.ca.gov/sites/senate.ca.gov/files/legislative_process.pdf)



# Thank you

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