

AMENDED IN ASSEMBLY JULY 2, 2014

AMENDED IN ASSEMBLY JUNE 18, 2014

AMENDED IN ASSEMBLY AUGUST 5, 2013

AMENDED IN SENATE MAY 7, 2013

AMENDED IN SENATE APRIL 22, 2013

**SENATE BILL**

**No. 648**

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**Introduced by Senator Corbett**

February 22, 2013

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An act to amend Section 22960 of the Business and Professions Code, relating to electronic cigarettes.

LEGISLATIVE COUNSEL'S DIGEST

SB 648, as amended, Corbett. Electronic cigarettes: restriction of use and advertising.

Existing law defines an electronic cigarette as a device that can provide an inhalable dose of nicotine by delivering ~~an inhalable~~ *a vaporized* solution. Existing law, to the extent not preempted by federal law, makes it unlawful for a person to sell or otherwise furnish an electronic cigarette to a person under 18 years of age.

Existing law, the Stop Tobacco Access to Kids Enforcement Act or the STAKE Act, requires the State Department of Public Health to establish and develop a program to reduce the availability of tobacco products to minors and to enforce the provisions of the act. Among other things, the act prohibits a cigarette or tobacco product from being sold, offered for sale, or distributed from a vending machine or appliance, or any other coin or token operated mechanical device designed or used for vending purposes, unless the machine or appliance

is located at least 15 feet away from the entrance of a premise that has been issued an on-sale public premises license to sell alcoholic beverages, as specified. The act authorizes the adoption of more restrictive local standards that further restrict access to and reduce the availability of cigarette or tobacco products from vending machines or devices or ban the sale entirely.

This bill would make the provision of the STAKE Act restricting the sale of cigarette and tobacco products from vending machines applicable to electronic cigarettes, as defined.

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 22960 of the Business and Professions  
 2 Code is amended to read:  
 3 22960. (a) Except as provided in subdivision (b), no cigarette,  
 4 *electronic cigarette*, or tobacco product shall be sold, offered for  
 5 sale, or distributed from a vending machine or appliance, or any  
 6 other coin or token operated mechanical device designed or used  
 7 for vending purposes, including, but not limited to, machines or  
 8 devices that use remote control locking mechanisms.  
 9 (b) (1) Commencing January 1, 1996, cigarette or tobacco  
 10 product vending machines or ~~appliances~~ *appliances*, and,  
 11 *commencing January 1, 2015, electronic cigarette product vending*  
 12 *machines or appliances*, may be located at least 15 feet away from  
 13 the entrance of a premise issued an on-sale public premises license  
 14 as defined in Section 23039 by the Department of Alcoholic  
 15 Beverage Control to sell alcoholic beverages.  
 16 (2) As used in this subdivision “at least 15 feet away from the  
 17 entrance” means within the premises of the licensed establishment  
 18 and not outside those premises.  
 19 (c) This section and subdivision (b) of Section 22958 set forth  
 20 minimum state restrictions on the sale of ~~cigarettes~~ *cigarettes*,  
 21 *electronic cigarettes*, or tobacco products from vending machines  
 22 or devices and do not preempt or otherwise prohibit the adoption  
 23 of a local standard that further restricts access to and reduces the  
 24 availability of cigarette, *electronic cigarette*, or tobacco products  
 25 from vending machines or devices or that imposes a complete ban  
 26 on the sale of ~~cigarettes~~ *cigarettes*, *electronic cigarettes*, or tobacco

1 products from vending machines or devices. A local standard that  
2 further restricts or imposes a complete ban on the sale of ~~cigarettes~~  
3 *cigarettes, electronic cigarettes*, or tobacco products from vending  
4 machines or devices shall control in the event of an inconsistency  
5 between this section and a local standard.

6 (d) For purposes of this section, ~~a cigarette includes~~ an electronic  
7 ~~cigarette, as defined~~ *cigarette has the meaning set forth* in Section  
8 119405 of the Health and Safety Code.

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