

ASSEMBLY BILL

No. 17

Introduced by Assembly Member Koretz

December 6, 2004

An act to add Section 516 to the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 17, as amended, Koretz. Coastal resources: beaches: prohibiting smoking.

Existing

Existing law makes it an infraction for a person to smoke a cigarette, cigar, or other tobacco-related product within 25 feet of a playground or tot lot sandbox area.

This bill would make it an infraction for a person to smoke, as defined, a pipe, cigar, or cigarette on a state coastal beach, as defined. The bill would establish a state-mandated local program by creating a new crime.

This bill would permit the state to develop and post signs at a state coastal beach to provide notice of the smoking prohibition, as specified.

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. State-mandated local program: yes.

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

1 SECTION 1. Section 516 is added to the Public Resources
2 Code, to read:

3 516. (a) For purposes of this section, the following definitions
4 apply:

5 (1) “Cigar” means the same as defined in Section 104550 of
6 the Health and Safety Code.

7 (2) “Cigarette” means the same as defined in Section 104556
8 of the Health and Safety Code.

9 (3) “State coastal beach” means a sand area that is owned,
10 operated, or under the jurisdiction of the state, an agency of the
11 state, or a department of the state and ~~that adjoins the ocean, a~~
12 ~~bay, or an estuary~~ *is located within the coastal zone, as defined in*
13 *Section 30103, or within the jurisdiction of the San Francisco*
14 *Bay Conservation and Development Commission, as defined in*
15 *Section 66610 of the Government Code. “State coastal beach”*
16 *does not include an adjacent parking lot or campground that is*
17 *not on the sand.*

18 (4) “Smoke or smoking” means the carrying of a lighted pipe,
19 lighted cigar, or lighted cigarette of any kind, or the lighting of a
20 pipe, cigar, or cigarette of any kind, including, but not limited to,
21 tobacco, or any other weed or plant.

22 (b) A person shall not smoke a cigar, cigarette, or other
23 tobacco-related product on a state coastal beach.

24 (c) A person who violates this section is guilty of an infraction
25 and shall be punished by a fine of one hundred dollars (\$100).

26 (d) The Department of Parks and Recreation or another
27 relevant state agency or department may develop and post signs
28 at a state coastal beach to provide notice of the smoking
29 prohibition set forth in subdivision (b). New signs shall be posted
30 only when existing signs are replaced by the state.

31 SEC. 2. No reimbursement is required by this act pursuant to
32 Section 6 of Article XIII B of the California Constitution because
33 the only costs that may be incurred by a local agency or school
34 district will be incurred because this act creates a new crime or
35 infraction, eliminates a crime or infraction, or changes the
36 penalty for a crime or infraction, within the meaning of Section
37 17556 of the Government Code, or changes the definition of a

1 crime within the meaning of Section 6 of Article XIII B of the
2 California Constitution.

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