

Attempt stalls to ban smoking at Calif state parks

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Ian Zamora holds his cigarette at the wall separating the parking area from the sand at Surfrider Beach in Malibu, Calif., Wednesday, March 17, 2010.

California lawmakers on Thursday will consider what is believed to be the nation's most far-reaching smoking ban in state parks as a way to get unsightly cigarette butts off the beach, eliminate second-hand smoke and reduce the threat of wildfires. (AP Photo/Reed Saxon)

(AP) -- An attempt to impose what is believed to be the nation's most far-reaching smoking ban in state parks has stalled in the California Legislature.

On Thursday, lawmakers supporting the bill in the 80-member Assembly fell five votes short of the simple majority needed to approve the ban.

Supporters expect to have enough votes when the bill comes up for

another vote, as early as Monday.

Democratic Assemblywoman Julia Brownley of Santa Monica, who handled the bill on the floor, says she feels confident it eventually will pass.

The legislation would ban smoking at state beaches and all other state parks. It's meant to decrease litter from cigarette butts, eliminate second-hand smoke and reduce the threat of wildfires.

Campsites and parking areas would be exempted from the ban.

THIS IS A BREAKING NEWS UPDATE. Check back soon for further information. AP's earlier story is below.

SACRAMENTO, Calif. (AP) - California lawmakers on Thursday were considering what is believed to be the nation's most far-reaching smoking ban in state parks as a way to get unsightly cigarette butts off the beach, eliminate second-hand smoke and reduce the threat of wildfires.

Maine banned smoking at its state beaches last year, but groups that track such legislation say no state prohibits lighting up throughout its entire park system, as the California bill proposes.

Under a legislative compromise, campsites and parking areas will be exempted from the ban.

"It is very clear that the garbage that is created as a result of smoking on beaches - butts and wrappers - are polluting our water," Democratic state Sen. Jenny Oropeza of Long Beach, the bill's author, said in an interview. "In terms of the state park system, we have a major fire hazard when cigarettes are smoked in parks."

Her bill would affect some of the state's most iconic geography, from the other-worldly desert landscape of Anza Borrego to famous Southern California surfing spots to Northern California redwood groves. The legislation previously passed the Senate and was before the Assembly, where Oropeza is hopeful it will be approved.

In an initial vote Thursday, the bill fell two votes short of the simple majority needed in the 80-member house, after Republicans complained such a ban would be hard to enforce and unfair to smokers who do not litter. Another vote is expected later.

"Prohibiting something is not the answer," said Anthony Adams, R-Hesperia. "That assumes that everybody who smokes does something intrinsically criminal. Punish those for the crime of littering."

The legislation is opposed by the tobacco industry, which disputes that second-hand smoke is harmful.

If the legislation eventually is signed into law, California would be the first state to ban smoking throughout its entire park system, according to Americans for Nonsmokers' Rights, a Berkeley-based nonprofit that tracks such bans.

Similar smoking bans are being considered in Hawaii, New Hampshire, New Jersey and New York, according to the American Cancer Society.

The move would not be surprising in a state with a long history of cracking down on smoking as a way to eliminate exposure to second-hand smoke. A California law that took effect in 2008 slaps motorists with a \$100 fine if they are smoking in a car that contains a minor under the age of 18.

California previously banned smoking in enclosed workplaces such as

bars and restaurants, and within 25 feet of a playground.

At Pacifica State Beach near San Francisco, surfer Drew Cunningham, 24, stood next to his board getting ready to hit the waves. He said he fully supports a law that would ban smoking on any beaches.

"The butts tend to end up in the water or the beach, and animals can get ahold of them. It's not good," he said. "I have an 18-month old daughter, and I like to bring her to the beach. I don't want people smoking there."

Nationwide, nearly 100 cities prohibit smoking at beaches, and more than 400 local governments ban smoking at municipal parks.

"Many of these laws often start at the local level first," said Cynthia Hallett, executive director of Americans for Nonsmokers' Rights.

Previous bills have stalled in the California Legislature, but Oropeza said she is confident her bill will pass this year and make it to Gov. Arnold Schwarzenegger's desk. The Long Beach Democrat said she is hopeful the health-conscious governor will sign it.

Oropeza said the legislation could save the financially strapped state millions in fighting wildfires started by someone tossing a lit cigarette in a state park.

Oropeza excluded campsites from the ban to accommodate state park officials, who said prohibiting smoking at campsites would be difficult to enforce.

Any state park that does not have the money to buy no-smoking signs alerting visitors to the rules also would be exempt. It's not clear how many of California's 279 of state parks would be unable to erect such signs.

Parking lots at both beaches and parks also would be exempt. In all other areas of a state park, such as hiking trails or beaches, smoking would be an infraction punishable with a \$100 fine.

The California Department of Parks and Recreation opposed the bill last year because of the cost to post signs. It no longer is taking a position, spokeswoman Sheryl Watson said.

The proposal continues to face opposition from the tobacco industry. Commonwealth Brands, the fourth largest tobacco manufacturer in the U.S., said prohibitions like the one being proposed in California infringe on smokers' rights.

When asked for a comment about the bill, the company provided a letter it wrote to Oropeza addressing the bill that stalled in the Assembly last year.

"We recognize that some nonsmokers may find tobacco smoke unpleasant or annoying, but we do not believe that the scientific evidence, often cited in isolation by health advocates, when taken as a whole is sufficient to establish that other people's tobacco smoke is a cause of any disease," said Anthony Hemsley, a company spokesman.

The letter did not address the litter or fire hazard concerns raised by the bill's advocates.

Oropeza, who was diagnosed with liver cancer in 2004, said second-hand smoke is a known carcinogen and that Californians have a right to breathe smoke-free air. Oropeza, who underwent surgery and chemotherapy, is now cancer free.

"I think that people do have a right to smoke as long as it doesn't affect other people or cost the taxpayers more money to put out fires and do

more coastal cleanup," she said.

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