

Focus Area 27: Tobacco Use

Objective 27-19. Eliminate laws that preempt stronger tobacco control laws. Target = 51 states [State Data Source: State Tobacco Activities Tracking and Evaluation System (STATE System), CDC, NCCDPHP, OSH]

California Penal Code Section 308(e) states: "It is the Legislature's intent to regulate the subject matter of this section. As a result, no city or county shall adopt any ordinance or regulation inconsistent with this section."

Table 27-19. Laws That Preempt Stronger Tobacco Control Laws, California 2006

	Advertising	Smokefree Indoor Air	Youth Access	Any Preemption
California	No	No	Yes	Yes

SOURCE: State Tobacco Activities Tracking and Evaluation (STATE) System, CDC, OSH.

NOTES: Preemption: Yes - A provision in the legislation that prevents local jurisdictions from enacting more stringent restrictions or restrictions that varies from the state law; No - The legislation clearly states, with anti-preemptive language, that it does not prevent local jurisdictions from enacting more stringent restrictions than the state legislation, or restrictions that vary from the state legislation or contains no language referring to preemption.

For more information on California's tobacco control laws, please visit:

<http://www.cdph.ca.gov/programs/Tobacco/Pages/default.aspx>

and the Public Health Law and Policy (PHLP) Technical Assistance Legal Center (TALC) at: <http://talc.phi.org/>

See also the CDC's State Tobacco Activities Tracking and Evaluation (STATE) System Web site at:

<http://apps.nccd.cdc.gov/StateSystem/index.aspx>

For more information on Healthy People 2010 objective 27-19, please visit:

<http://www.healthypeople.gov/Document/HTML/Volume2/27Tobacco.htm>

And the DATA2010 Web site at: <http://wonder.cdc.gov/data2010/>