

enticed into having sex with women who are much older. The experiences have been psychologically damaging for the boys. They have lost their innocence. They can't relate to girls their own age. They tend to think that they are adults. They suffer from depression and are withdrawn. These boys weren't protected by the statutory rape law.

- o The U.S. Supreme Court has ruled that it is constitutional for states to protect girls and not boys under statutory rape statutes because "only women may become pregnant, and they suffer disproportionately the profound physical emotional and psychological consequences of sexual activity." However, it is unknown whether the Court would decide this issue in the same way again given the AIDS epidemic.

Assembly Republican Committee vote
Public Safety -- 4/13/93
(5-0) Ayes: All Republicans
Ways & Means -- 4/28/93
(19-0) Ayes: All Republicans
Consultant: Erika Lorenz

FILE NUMBER 282

FILE NUMBER 282

AB 13 (T. Friedman) -- OCCUPATIONAL SAFETY AND HEALTH: TOBACCO PRODUCTS
Version: 5/24/93 Lead Republican: Nao Takasugi
Analyzed: 5/26/93 Vote: Majority
Recommendation: Oppose

SUMMARY: Prohibits the smoking of tobacco products in enclosed workplaces. Employers must take reasonable steps to prevent non-employees from smoking at a place of business. Violation of this provision would be an infraction subject to a fine. This act would pre-empt all local ordinances. FISCAL EFFECT: Unknown regulation and enforcement costs. Loss of revenue for businesses who currently allow smoking in designated areas.

POTENTIAL EFFECTS: Imposes another mandate on businesses and restricts an employer's right to control his workplace. The author argues that this ban would improve the health of workers and patrons.

SUPPORT: California Restaurant Association (yet 67% of the members of this association oppose this position.), CA Medical Assoc., AFL-CIO, American Heart Assoc., Mervyn's, Sorensen's Resort, American Lung Assoc. of CA, CA Nurses Assoc., SEIU, Children's Advocacy Institute

OPPOSITION: Americans for Nonsmoker's Rights, The City and County of San Francisco, California Hotel & Motel Assoc., Hotel Bal-Air, CA Assoc. of Hospitals and Health Systems, Numerous other individuals.

GOVERNOR'S POSITION: Unknown

COMMENTS:

- o This bill is based on last year's AB 2667 (T. Friedman) which was killed in committee.
- o The California Manufacturers Association points out, "employers prefer to deal with workplace issues through company policies and procedures that are flexible and tailored to the particular conditions and circumstances of the workplace."
- o This bill discriminates against smokers. The individual liberty of those who smoke and those who are around smoke but do not object will be violated. Smokers and non-smokers know of the alleged risks and do not need a paternalistic state to protect them from themselves.
- o This bill prohibits an employer from smoking in his own building--even if all of the employees also smoke. Similarly, a self-employed person with no employees would be prohibited from smoking.
- o This bill would also ban smoking in bars, bowling alleys, etc.
- o The EPA has recently released a report on the dangers of second hand smoke. This report, while important, has been criticized as unscientific and political.
- o The Governor has signed an executive order banning smoking in public buildings. This decision is consistent with this analysis since it is an employer based decision.
- o The California Restaurant Association supports this bill because it will treat restaurants in all counties equally. Currently, some counties (e.g. Sacramento) have smoking bans and patrons are dining in other cities where they can smoke. This has caused financial hardship to restaurants in the few counties that have stricter anti-smoking ordinances.
- o This bill would prohibit smoking in hotel lobbies and ballrooms. There was testimony in policy committee that this may deter conventions from being located in California. Tourism is one of California's main businesses and therefore the impact of this bill may have a significant adverse economic effect on the state.

Assembly Republican Committee vote

Labor -- 3/3/93

(7-1)

Ayes: Andal

Noes: Takasugi

Abs./N.V.: Goldsmith, Hoge

Ways & Means -- 5/19/93

(11-7)

Ayes: Nolan

Noes: All other Republicans except

Abs.: Allen, Woodruff

Consultants: John Tromnald/Bill Cardoza

FILE NUMBER 283

FILE NUMBER 283

AB 601 (Speier) -- BREAST AND PROSTATE CANCER: POSTING OF NOTICE

Version: 5/24/93

Analyzed: 5/26/93

Recommendation: Oppose

Lead Republican: Paul Woodruff

Vote: Majority