
THIRD READING

Bill No: AB 455
Author: Ortega (D)
Amended: 7/17/25 in Senate
Vote: 21

SENATE ENVIRONMENTAL QUALITY COMMITTEE: 8-0, 7/2/25
AYES: Blakespear, Valladares, Dahle, Gonzalez, Hurtado, Menjivar, Padilla,
Pérez

SENATE JUDICIARY COMMITTEE: 13-0, 7/15/25
AYES: Umberg, Niello, Allen, Arreguín, Ashby, Caballero, Durazo, Laird, Stern,
Valladares, Wahab, Weber Pierson, Wiener

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

ASSEMBLY FLOOR: 71-0, 5/23/25 (Consent) - See last page for vote

SUBJECT: Real estate: environmental hazards: thirdhand smoke

SOURCE: Author

DIGEST: This bill requires a seller of a residential property to disclose knowledge of thirdhand smoke to the buyer and requires the Department of Toxic Substances Control (DTSC) to update the Homeowners' Guide to Environmental Hazards to include a section on thirdhand smoke.

ANALYSIS:

Existing law:

- 1) Requires a seller of a single-family residential property or their agent to provide to a prospective buyer a completed Transfer Disclosure Statement (TDS), and various other disclosures. (Civil Code (CIV) § 1102-1102.19)

- 2) Requires a seller to disclose and describe, as part of the TDS, whether the single-family residence has any significant defects or malfunctions in various components of the home. (CIV § 1102.6.)
- 3) Requires a seller of any single-family residence to deliver required disclosures:
 - a) As soon as practicable before transfer of title, in the case of a sale; and,
 - b) As soon as practicable before execution of the contract in the case of a sale by a real property sales contract, a lease together with an option to purchase, or a ground lease coupled with improvements. (CIV § 1102.3)
- 4) Specifies that no transfer of a single-family residence shall be invalidated solely because of the failure to comply with the disclosure requirements, but that a person who willfully or negligently violates or fails to perform the disclosure duties shall be liable for actual damages. (CIV § 1102.13)
- 5) Requires the Department of Real Estate (DRE) to develop the Residential Environmental Hazards Disclosure Booklet to educate and inform consumers on the following:
 - a) Common environmental hazards that are located on, and affect, real property; the types of common environmental hazards shall include, but not be limited to the following: asbestos, radon gas, lead-based paint, formaldehyde, fuel and chemical storage tanks, and water and soil contamination;
 - b) The significance of common environmental hazards and what can be done to mitigate them; and,
 - c) Sources that can provide more information on common environmental hazards for the consumer. (Business and Professions Code (BPC) § 10084.1(a))
- 6) Requires DTSC to seek the advice and assistance of departments within the California Natural Resources Agency in writing the Homeowners' Guide to Environmental Hazards, prepared pursuant to state law pertaining to the Residential Environmental Hazards Disclosure Booklet. (BPC § 10084.2)
- 7) Specifies that if the Residential Environmental Hazards Disclosure Booklet is delivered to a buyer in connection with the sale of real property, a seller or broker is not required to provide additional information, and that the booklet

provides adequate disclosure to the buyer regarding common environmental hazards that can affect real property. (CIV § 2079.7)

- 8) Prohibits, under Proposition 65, a person, in the course of doing business, from knowingly and intentionally exposing any individual to a chemical known to the state to cause cancer or reproductive toxicity without first giving clear and reasonable warning to such individual. (Health and Safety Code § 25249.6)

This bill:

- 1) Defines “thirdhand smoke” to mean the toxic chemical residue left behind by tobacco smoke.
- 2) Defines “residue from smoking tobacco or nicotine products” to mean a chemical accumulation resulting from the smoking of tobacco or nicotine products.
- 3) Specifies “smoking tobacco or nicotine products” to include the use of an electronic cigarette or vape device for inhaling an aerosol.
- 4) Provides that it is the sole responsibility of a seller of a single-family residential property who has actual knowledge of the existence of any residue from smoking tobacco or nicotine products, or any history of occupants smoking tobacco or nicotine products on the property, to disclose that knowledge to the buyer in writing.
- 5) Requires DTSC to update the Homeowners’ Guide to Environmental Hazards to include a new section on thirdhand smoke.
- 6) Requires DTSC to delegate responsibility for the update to the Center for Tobacco and the Environment at San Diego State University, which will use existing center personnel and research resources to offset costs, to the extent resources are available.
- 7) Requires DTSC to review the update proposed by the Center for Tobacco and the Environment, to ensure the update adequately educates and informs consumers on the following:
 - a) Thirdhand smoke as a common environmental hazard that is located on, and affects real property;

- b) The significance of thirdhand smoke as a common environmental hazard and how hazards can be mitigated; and,
- c) Sources that can provide more information on thirdhand smoke for the consumer.

8) Makes related findings and declarations.

Background

What is thirdhand smoke? Thirdhand smoke is tobacco smoke residue that remains in indoor environments, reacts with air to make additional pollutants, and re-emits from surfaces back into the air.¹ All tobacco products, including cigarettes, hookah, electronic cigarettes, and smokeless tobacco have been shown to leave nicotine and/or tobacco smoke residue in indoor environments. CDPH refers to thirdhand smoke as a distinct public health problem.

Smoke from tobacco products sticks to indoor surfaces, such as walls, windows, furniture, and floors. Layers of this residue can build up over time on these surfaces and remain in place for years as common clean methods such as vacuuming, wiping surfaces, and airing out rooms do not completely remove it. As the residue builds up on surfaces, chemical reactions within it may occur, releasing additional toxins.² To reduce the levels of thirdhand smoke, renovations, such as replacing wall boards, flooring, and furnishings, may be necessary.

The hazards of thirdhand smoke. People can be exposed to thirdhand smoke through inhalation, skin absorption, or ingestion when in contact with surfaces that are contaminated with thirdhand smoke. Infants and children may have higher risks of exposure, due to age-specific behaviors such as crawling, mouthing, and active playing near the floor. Long-term exposure to harmful pollutants associated with thirdhand smoke have been shown to damage human cells and DNA and are associated with asthma and cancer. Mice that have been experimentally exposed to thirdhand smoke develop health problems in their respiratory, digestive, circulatory, and reproductive systems.^{3,4}

Proposition 65. In 1986, California voters approved a ballot initiative, the Safe Drinking Water and Toxic Enforcement Act of 1986, commonly referred to as Proposition 65, to address concerns that “hazardous chemicals pose a serious

¹ California Department of Public Health. (2017). [Thirdhand Smoke](#).

² Acuff, L., et. al. (2016). [Third-hand smoke: old smoke, new concerns](#).

³ Martins-Green, M., et. al. (2014). [Cigarette smoke toxins deposited on surfaces: Implications for human health](#).

⁴ Liu, H. and Chen, H. (2021). [The effects of thirdhand smoke on reproductive health](#).

potential threat to their health and well-being, [and] that state government agencies have failed to provide them with adequate protection...” Proposition 65 requires the state to publish a list of chemicals known to cause cancer or birth defects or other reproductive harm. This list, which must be updated at least once a year, currently includes approximately 900 chemicals. Proposition 65 also prohibits businesses from knowingly and intentionally exposing any individual to a chemical known to the state to cause cancer or reproductive toxicity, without first giving clear and reasonable warning, which can take the form of product labels or notices. The Office of Environmental Health Hazard Assessment (OEHHA) administers the Proposition 65 program, including an evaluation of all currently available scientific information on substances considered for placement on the Proposition 65 list.

Several chemicals present in thirdhand smoke are on OEHHA's Proposition 65 list. For example, thirdhand smoke contains chemicals such as nicotine and 4-(N-Nitrosomethylamino)-1-(3-pyridyl)1-butanone, or NNK.⁵ According to OEHHA, nicotine is listed under Proposition 65 because it can cause birth defects or other reproductive harm; NNK is listed because it can cause cancer.

Real estate disclosures. California state law imposes disclosure obligations on sellers of residential real property. Sellers are required to disclose whether the property is located in designated hazard zones, including fault zones, flood zones, and areas of high fire severity. State law obligates sellers to disclose, via the TDS, any known significant defects affecting the property's structural components and systems, including the roof, foundation, plumbing, electrical, and sewer systems. The TDS also includes a checklist of appliances and other fixtures, and requires sellers to answer detailed questions about any known environmental, legal, or physical conditions that may affect the property.

Importantly, sellers are only required to disclose information within their actual knowledge; they are not obligated to conduct independent investigations or testing to uncover unknown hazards. Existing law further specifies if a consumer information booklet is delivered to a buyer in connection with the sale of real property, a seller or broker is not required to provide additional information; the booklet is deemed to provide adequate disclosure to the buyer regarding common environmental hazards that can affect real property. The Homeowners' Guide to Environmental Hazards fulfills this requirement.

The Homeowners' Guide to Environmental Hazards. The Homeowners' Guide to Environmental Hazards—referenced in some places in state law as the “Residential

⁵ Jacob III, P., et. al. (2017). Thirdhand smoke: new evidence, challenges, and future directions.

Environmental Hazards Booklet”—was originally mandated by AB 983 (Bane, Chapter 969, Statutes of 1989), which required the DRE to prepare a consumer guide on environmental hazards affecting residential property, including asbestos, radon, lead-based paint, formaldehyde, fuel and chemical storage, and soil and water contamination. State law pertaining to the Homeowners’ Guide to Environmental Hazards has been updated several times since 1989, most recently by AB 225 (Grayson, Chapter 420, Statutes of 2023), which requires, as existing resources permit, or as private resources are made available, the booklet to be updated to include new sections on wildfires, climate change, and sea level rise. Similar to AB 225, this bill would require the guide to be updated to include a section on thirdhand smoke.

Comments

Purpose of this bill. According to the author, “AB 455 takes two important steps to protect Californians from exposure to dangerous chemicals that are a byproduct of indoor tobacco use. When smoking or vaping takes place inside, the particles and gasses left behind absorb into everything in the room: flooring, walls, furniture, and even the HVAC system. The chemicals in these gasses – known as thirdhand smoke – remain for years, even after smoking or vaping stops. Exposure to thirdhand smoke has been shown to cause DNA damage, asthma exacerbation, an increased risk of cancer, and a weakened immune system. Currently, California home buyers have no way of knowing whether this quiet killer is present in their future home. AB 455 will help potential homeowners be more aware of the dangers of thirdhand smoke and aerosols and be fully informed before buying property that may be contaminated with this hazard.”

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

SUPPORT: (Verified 8/19/2025)

Americans for Nonsmokers' Rights
Center for Environmental Health
Public Health Advocates
San Luis Obispo Tobacco Control Coalition
Tobacco Education and Research Oversight Committee

OPPOSITION: (Verified 8/19/2025)

None received

ASSEMBLY FLOOR: 71-0, 5/23/25

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Calderon, Caloza, Carrillo, Castillo, Connolly, Davies, DeMaio, Dixon, Elhawary, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wilson, Zbur, Rivas

NO VOTE RECORDED: Bryan, Chen, Ellis, Nguyen, Sanchez, Schultz, Sharp-Collins, Wicks

Prepared by: Taylor McKie / E.Q. / (916) 651-4108
8/20/25 23:11:15

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