

**SENATE JUDICIARY COMMITTEE**  
**Senator Thomas Umberg, Chair**  
**2025-2026 Regular Session**

AB 455 (Ortega)  
Version: July 3, 2025  
Hearing Date: July 15, 2025  
Fiscal: Yes  
Urgency: No  
ID

**SUBJECT**

Real estate: environmental hazards: thirdhand smoke

**DIGEST**

This bill makes it the sole responsibility of a seller of a single-family residential property with actual knowledge of the existence of residue from smoking or vaping tobacco or nicotine products to disclose that knowledge to a buyer in writing, and requires the Department of Toxic Substances Control to update the Homeowners' Guide to Environmental Hazards with information related to thirdhand smoke, as specified.

**EXECUTIVE SUMMARY**

Thirdhand smoke is the contamination of a space by tobacco-related gases and particles left behind by tobacco use that become embedded in materials and surfaces like carpets, walls, furniture, and other household items. Thirdhand smoke can linger in homes and on surfaces for years, be released back into the air, interact with other substances to create new compounds, and can accumulate over time. It is also often difficult to remove. Thirdhand smoke poses considerable health risks to those exposed to it, as it contains more than 26 chemicals that the state of California has identified as causes of cancer, birth defects, and reproductive harm. Considering these health risks, AB 455 proposes to require the Department of Toxic Substances Control to update the Homeowners' Guide to Environmental Hazards to include information about thirdhand smoke, through the assistance of the Center for Tobacco and the Environment. AB 455 also would require a seller of a single-family home who has actual knowledge of the existence of residue from smoking or vaping tobacco or nicotine products, or any history of occupants smoking or vaping tobacco or nicotine products on the property, to disclose that to the buyer in writing. AB 455 is author-sponsored, and is supported by Americans for Nonsmokers' Rights and the San Luis Obispo Tobacco Control Coalition. The Committee has received no timely letters of opposition. AB 455 previously passed out of the Senate Environmental Quality Committee by a vote of 8 to 0.

**PROPOSED CHANGES TO THE LAW**

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. (Civ. Code §§ 1102-1102.19.)
- 2) Requires a seller to disclose and describe, as part of the TDS, the features of the single-family residence for sale. Requires a seller to disclose whether the property has any significant defects or malfunctions in various components of the home, and to disclose the presence of any substances, materials, or products which may be environmental hazards. (Civ. Code § 1102.6.)
- 3) Requires a seller to indicate whether they are aware of a variety of specified conditions with the property, including any contaminated soil or water, and any major damage to the property or structures from fire, earthquake, floods, or landslides. (Civ. Code § 1102.6.)
- 4) Requires a seller to provide a Natural Hazard Disclosure Statement to a prospective buyer, disclosing specified natural and environmental hazards, such as whether the property is located within a seismic hazard zone, an earthquake fault zone, a special flood hazard area, an area of potential flooding, or a high or very high fire hazard severity zone, with specified information. (Civ. Code § 1103.2.)
- 5) Requires a seller of any single-family residence to deliver the required disclosures:
  - a) as soon as practicable before transfer of title, in the case of a sale;
  - 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. Code §§ 1102.3, 1103.3.)
- 6) Exempts from the above disclosures transfers of single-family residences that are made pursuant to a court order, pursuant to a foreclosure or mortgage default, by a fiduciary in the administration of a trust, guardianship, conservatorship or estate, from one co-owner to one or more other co-owners, to a spouse, pursuant to a dissolution of marriage or legal separation, to or from any governmental entity, and under various other circumstances, as specified. (Civ. Code §§ 1102.2, 1103.1.)
- 7) Provides that if any information disclosed is subsequently rendered inaccurate as a result of any act, occurrence, or agreement after the disclosure is delivered, it does not constitute a violation of the disclosure requirements. (Civ. Code §§ 1102.5, 1103.5.)

- 8) Provides that any disclosure may be amended in writing by the seller or their agent as soon as practicable. (Civ. Code §§ 1102.9, 1103.9.)
- 9) Requires that disclosures be delivered to a prospective buyer by personal delivery or by mail, and allows delivery to the prospective buyer's spouse. (Civ. Code §§ 1102.10, 1103.10.)
- 10) 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. Code §§ 1102.13, 1103.13.)
- 11) Creates a duty on real estate agents representing sellers in certain transactions to make a competent visual inspection of the property and disclose to the prospective buyer or tenant all facts materially affecting the value or desirability of the property. (Civ. Code § 2079.)
- 12) Authorizes the Real Estate Commissioner (commissioner) of the Department of Real Estate (DRE) to prepare a pamphlet or brochure dealing with disclosures of information in residential real estate transactions and to educate and inform consumers on common environmental hazards that are located on, and affect, real property. , and allows the costs of preparation and distribution of the booklet to be paid from the Real Estate Fund for education and research. (Bus. & Prof. Code § 10084.)
- 13) Permits the commissioner to produce and make available copies of the booklet upon a request of a seller, buyer, and real estate licensee for a fee that is equal to the cost of preparation and distribution; requires the collected fees to be paid into the education and research account of the Real Estate Fund. (*Ibid.*)
- 14) Directs the DRE to develop, using an appropriation of funds from the Education and Research Account in the Real Estate Fund, 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 these hazards.
  - c) What sources can provide more information on common environmental hazards for the consumer. (Bus. & Prof. Code § 10084.1(a).)

- 15) Requires the DRE to seek advice and assistance in determining the contents of the booklet from the Department of Health Services (now called the Department of Public Health). (Bus. & Prof. Code § 10084.1(b).)
- 16) Specifies that, if a 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 about, and that the booklet provides adequate disclosure to the buyer regarding, common environmental hazards that can affect real property. (Civ. Code § 2079.7.)

This bill:

- 1) Makes specified findings regarding thirdhand smoke.
- 2) Specifies that, as existing resources permit, the Homeowners' Guide to Environmental Hazards be updated as required to include the information described in 3), below.
- 3) Requires the Department of Toxic Substances Control (DTSC) to update the Homeowners' Guide to Environmental Hazards to include a new section on thirdhand smoke, that covers:
  - 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 what can be done to mitigate this hazard; and
  - c) sources that can provide more information on thirdhand smoke as a common environmental hazard for the consumer.
- 4) Specifies that, to offset the costs associated with updating the guide, DTSC shall delegate the responsibility to update the guide to the Center for Tobacco and the Environment at San Diego State University, which shall use existing personnel and research resources.
- 5) Requires DTSC to review the update proposed by the Center for Tobacco and the Environment to ensure that it adequately educates and informs consumers, as specified.
- 6) Specifies that, in addition to any other disclosure required by specified provisions of law, 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 or vaping tobacco or nicotine products, or any history of occupants smoking or vaping tobacco or nicotine products on the property, to disclose this knowledge to a prospective buyer in writing.

## COMMENTS

### 1. Author's statement

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.

### 2. Thirdhand smoke is a considerable health risk

Smoking tobacco products, once almost ubiquitous in society, has gradually decreased over the last fifty years as more people become aware of the significant health risks associated with smoking, in part due to a public campaign to inform the public of the dangers of smoking. Cigarette smoking kills more than 408,000 Americans every year.<sup>1</sup> While smoking cigarettes and other tobacco products is incredibly unhealthy for the individual who partakes, considerable research has shown that those near to individuals who smoke also can experience health problems through exposure to “secondhand smoke,” in which an individual breathes in the smoke expelled by someone smoking a tobacco product. Despite not engaging in smoking themselves, someone exposed to secondhand smoke can suffer a variety of health problems as a result of that exposure.

In recent years, tobacco use has seen some resurgence through the rise of “vaping,” which is a tobacco product that, instead of burning tobacco like traditional cigarettes, heats a liquid that contains nicotine, flavoring, and other substances to create an inhalable aerosol mist. Vaping, while seemingly less harmful than cigarettes, is also incredibly harmful and addictive.

Another way in which smoking can harm those in proximity to someone who smokes is through thirdhand smoke. Thirdhand smoke is the contamination of a space by tobacco-

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<sup>1</sup> U.S. Dept. of Health & Hum. Svcs., *The Health Consequences of Smoking – 50 Years of Progress: A Report of the Surgeon General*, Centers for Disease Control (2014).

related gases and particles left behind by tobacco use that become embedded in materials and surfaces like carpets, walls, furniture, and other household items.<sup>2</sup> Thirdhand smoke can linger in homes and in surfaces for years, can be released back into the air, interact with other substances to create new compounds, and can accumulate.<sup>3</sup> It is also often difficult to remove, and can disproportionately affect vulnerable groups like children, the elderly, and those who are immunocompromised. A study from San Diego State University found thirdhand smoke residue in 100 percent of non-smoker and smoker apartment units studied, with 10 percent of non-smoker units showing high levels of thirdhand smoke on par with levels found in the homes of active smokers.<sup>4</sup>

Thirdhand smoke poses considerable health risks to those exposed to it. Research has found that it contains more than 26 chemicals that the state of California identifies as causes of cancer, birth defects, and reproductive harm, including nicotine, nicotine-derived chemicals, and carcinogenic nitrosamines that can form over time from these substances.<sup>5</sup> Exposure to these chemicals can damage lung, skin, reproductive, and neural cells, destroy or change cell DNA, increase the risk of lung and cervical cancer, and weaken the immune system.<sup>6</sup>

### 3. Required disclosures in real estate transactions

Current law requires that sellers of single-family residential properties provide specified disclosures regarding the property to prospective buyers. (Civ. Code §§ 1102 et seq.) The majority of these required disclosures are contained within the Transfer Disclosure Statement (TDS), a statutorily-mandated document of disclosures that a seller must provide a prospective buyer, outlining the conditions and issues with the property of which the seller is aware (Cal. Civ. Code § 1102.6.) Disclosures required by the TDS include any known significant defects in the insulation, roof, foundation, plumbing and sewers, and electrical systems, among others. It requires an explanation of any noted defects, and also requires a comprehensive list of appliances and other features present on the property, along with an extensive questionnaire relating to specific dangers or issues known about the property. If the seller knows that any listed feature is not in working condition, they must disclose that fact. In addition to the TDS contained at Civil Code Section 1102.6, there are a number of other statutorily-required disclosures and notices that a seller must make to a potential buyer. For example, Civil

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<sup>2</sup> Peyton Jacob III et al., “Thirdhand Smoke: New Evidence, Challenges, and Future Directions,” (Jan. 17, 2017) *Chem. Res. Toxicol.* Vol. 30 No. 1, p. 270, <https://pmc.ncbi.nlm.nih.gov/articles/PMC5501723/>.

<sup>3</sup> Center of Tobacco & the Environment, *Brief Overview of the Impacts of Thirdhand Smoke on Human Health*, San Diego State University (Mar. 5, 2025).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*; Georg E. Matt et al., “Policy-relevant differences between secondhand and thirdhand smoke: strengthening protections from involuntary exposure to tobacco smoke products,” (Jun. 1, 2023) *Tobacco Control* Vol. 33, p. 798.

Code Section 1102.19 requires a seller to disclose whether the property is located in a designated high or very high fire hazard severity zone, and Section 1102.6, subsection g, requires every real property sale contract to include a notice regarding the requirement that a property appraisal be unbiased. Civil Code Section 1103 requires a seller to disclose whether the property is located within a seismic hazard zone, an earthquake fault zone, a special flood hazard area, an area of potential flooding, or a high or very high fire hazard severity zone on a specified Natural Hazards Disclosure Statement.

With some specified exceptions, these disclosure requirements apply to any transfer by sale, exchange, real property sales contract, lease with an option to purchase, or a ground lease coupled with improvements of a single-family residential property. (Civ. Code §§ 1102(a), 1103(b).) The disclosures must be provided to the prospective buyer either as soon as practicable before transfer of title, or, 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, as soon as practicable before the making or acceptance of an offer. (Civ. Code §§ 1102.3, 1103.3.) The seller must indicate that they have complied with all disclosure requirements either on the real property sales contract, lease, or on an addendum or separate document.

If a disclosure or amendment to any previously-made disclosure is delivered after the execution of an offer to purchase the home, the prospective buyer is allowed three days (if the disclosure is delivered in person) or five days (if the disclosure is delivered by mail or electronically) in which to back out of the sale without repercussions. (Civ. Code §§ 1102.3(c), 1103.3(c).) This provision provides buyers with an easy remedy if an issue arises in the disclosures that is material to the buyer's decision to purchase the property, and can create an opportunity for additional negotiations between the parties around the issue.

In addition to these disclosures, existing law also imposes on real estate agents representing clients in certain transactions the duty to make a competent visual inspection of the property, and to disclose to the prospective buyer or tenant all facts materially affecting the value or desirability of the property. (Civ. Code § 2079.)

#### 4. The Homeowner's Guide to Environmental Hazards

In 1989, the Legislature enacted AB 983 (Bane, Ch. 969, Stats. 1989) to require that the Department of Real Estate create The Homeowner's Guide to Environmental Hazards, also known as the Residential Environmental Hazards Booklet, to inform homebuyers of the environmental risks in and affecting residential property. Originally, the Homeowner's Guide included information on asbestos, radon, lead-based paint, formaldehyde, proper storage of fuel and chemicals, and soil and water contamination. Over the years since, the information required to be included in the guide has been expanded. Most recently, it was expanded by AB 225 (Grayson, Ch. 420, Stats. 2023) to

require, as existing resources permit or private resources are made available, that the guide be updated to include information on wildfires, climate change, and sea level rise.

5. AB 455 increases awareness and transparency in residential real estate transactions

Given the health risks posed by thirdhand smoke, AB 455 proposes a number of statutory changes to increase transparency and consumer education in residential real estate transactions. It would require the Department of Toxic Substances Control to update the Homeowners' Guide to Environmental Hazards to inform consumers on thirdhand smoke as a common environmental hazard, the significances of thirdhand smoke and what can be done to mitigate it, and on sources that can provide more information on thirdhand smoke. AB 455 would require that DTSC delegate the responsibility for the update to the Center for Tobacco and the Environment at San Diego State University, with review by DTSC.

In addition, AB 455 would require that a seller of a single-family residential property with actual knowledge of the presence of residue from smoking or vaping tobacco or nicotine products, or any history of smoking or vaping tobacco or nicotine products on the property, to disclose that knowledge to a prospective buyer in writing. Like all disclosures required under Civil Code sections 1102 and 1103, this disclosure would have to be provided as soon as practicable before transfer of title, or 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, as soon as practicable before the making or acceptance of an offer. If a seller had actual knowledge and failed to disclose it to the buyer before the execution of the offer to buy, the buyer would still have the ability to cancel the sale within three or five days. However, SB 455 does not specify the exact form in which this disclosure would need to be made, outside of that it be in writing, and does not specifically require that it be made on the TDS.

While this bill adds new provisions to the disclosure laws specific to thirdhand smoke, it is possible that the current disclosure laws already require disclosure of the presence of chemical residue from tobacco or nicotine use. That is because the TDS requires disclosure of the presence of any substances, materials, or products that may be an environmental hazard. Furthermore, real estate agents are required to disclose to prospective buyers any condition of the property that materially affects the value or desirability of the property. However, these requirements may not capture when a seller knows of a history of smoking on the property, and whether chemical residue from smoking is an environmental hazard could be up to interpretation. Thus, despite the potential redundancy of its new disclosure requirements, AB 455 nonetheless makes the disclosure laws explicit about thirdhand smoke and the disclosure of a history of smoking on the property: if a seller knows of a history of smoking on the property, or of the existence of residue from smoking on the property, it must be disclosed. Considering the potentially significant health impacts of thirdhand smoke, such explicit



disclosure requirements would help buyers be better informed when buying a home and could help homebuyers mitigate the impacts of thirdhand smoke.

6. Like other disclosure requirements in Civil Code section 1102, a potential buyer would have some remedies for a willful or negligent violation of this bill's disclosure requirement

Civil Code section 1102.13 specifies that just the failure to comply with the disclosure provisions of Sections 1102 and 1103 shall not be the sole basis to invalidate the transfer of title of the residential property at issue. However, a person who willfully or negligently fails to comply with the disclosure requirements is liable for any actual damages that a buyer suffers as a result of that violation. (Civ. Code § 1102.13.)

Because this bill is adding a new section to the transfer disclosure provisions, the remedies at Civil Code section 1102.13 would apply to a violation of AB 455's requirements. Thus, if a seller willfully or negligently fails to provide a written disclosure when they know of the presence of residue from smoking or vaping or a history of smoking or vaping at the home, the buyer may be able to sue the seller for actual damages. However, the buyer would have to prove the failure was willful or negligent, and would not be able to undo the sale, just as they would not be able to do so with any other of the disclosure provisions in Civil Code sections 1102 and 1103.

#### 7. Amendments

The author has agreed to amendments to clarify the bill's requirements regarding disclosures in transfers of single-family residential properties. A full mock-up of the amendments is attached at the end of this analysis.

### SUPPORT

Americans for Nonsmokers' Rights  
San Luis Obispo Tobacco Control Coalition

### OPPOSITION

None received

### RELATED LEGISLATION

Pending Legislation: SB 237 (Grayson, 2025) would have required a seller of a single-family residential property to disclose the names and license numbers of any contractors and third parties that worked on the property, and the work that was performed, when the property was rebuilt after the property was destroyed in a

disaster and received a certificate of occupancy on or after January 1, 2025. SB 237 was substantially amended in the Assembly to address a different subject.

Prior Legislation:

SB 1366 (Hurtado, Ch. 21, Stats. 2024) required a seller of any real property who received domestic water storage tank assistance or is aware the real property received such assistance and the real property currently still has the domestic water storage tank, to deliver a disclosure statement to the prospective buyer regarding the domestic water storage tank.

SB 382 (Becker, Ch. 443, Stats. 2024) required sellers of single-family residential properties to provide prospective buyers with a notice stating that it may be advisable to obtain an inspection of the home's electrical systems, and a list of the various safety risks and other potential concerns arising from substandard, recalled, or faulty wiring and limited electrical capacity.

AB 1280 (Maienschein, Ch. 99, Stats. 2023) required that a seller of a single-family residential property located within a fire hazard severity zone disclose whether the property is located in a high or very high fire hazard severity zone, and whether the property is located in a state responsibility area or a local responsibility area.

AB 968 (Grayson, Ch. 95, Stats. 2023) required a seller of a single-family residential property who sells the property within 18 months of when they purchased it to disclose to the prospective buyer specified information regarding any repairs, modifications, or alterations to the property since the seller purchased it. Required the seller to provide a copy of any permit for such alterations, or the information for any third party that provided the alterations if the seller was not given a copy of the permits.

AB 225 (Grayson, Ch. 420, Stats. 2023) required, as existing resources permit or as private resources are made available, the Homeowners' Guide to Environmental Hazards to be updated to include new sections on wildfire, climate change, and sea level rise, as specified.

AB 892 (Holden, Ch. 310, Stats. 2019) revised the form for the real estate transfer disclosure statement, and defined the terms "single-family residential property" and "single-family residential real property," among other changes.

AB 983 (Bane, Ch. 969, Stats. 1989) required that the Department of Real Estate create The Homeowner's Guide to Environmental Hazards, also known as the Residential Environmental Hazards Booklet, to inform homebuyers of the environmental risks in and affecting residential property, including asbestos, radon, lead-based paint, formaldehyde, proper storage of fuel and chemicals, and on soil and water contamination, and other environmental hazards.

SB 1406 (Petriss, Ch. 1574, Stats. 1985) required specified written disclosures by the seller of real property to the buyer on a transfer disclosure statement, and created a duty for the seller to make a record of compliance with the disclosure requirements.

**PRIOR VOTES:**

Senate Environmental Quality Committee (Ayes 8, Noes 0)

Assembly Floor (Ayes 71, Noes 0)

Assembly Appropriations Committee (Ayes 15, Noes 0)

Assembly Environmental Safety and Toxic Materials Committee (Ayes 7, Noes 0)

Assembly Judiciary Committee (Ayes 12, Noes 0)

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**Amendment Mock-ups for AB-455 (Ortega (A))**

*(Amendments may be subject to technical corrections by Legislative Counsel)*

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** The Legislature finds and declares both of the following:

(a) “Thirdhand smoke” is the toxic chemical residue left behind by tobacco smoke. It accumulates in carpets, walls, and furniture, becomes embedded in building materials, and persists for years after smoking stops.

(b) Thirdhand smoke-polluted buildings expose occupants to more than 10 toxic chemicals listed in Proposition 65 (1986).

**SEC. 2.** Section 10084.2 of the Business and Professions Code is amended to read:

**10084.2.** (a) As existing resources permit, or as private resources are made available, the Homeowners’ Guide to Environmental Hazards prepared pursuant to Section 10084.1, updated pursuant to Sections 13261, 25417, and 25417.1 of the Health and Safety Code, and as required to be updated pursuant to Section 25417.2 of the Health and Safety Code, shall be updated to include three new sections on wildfires, climate change, and sea level rise.

(b) The Department of Toxic Substances Control shall seek the advice and assistance of departments within the Natural Resources Agency in the writing of the booklet to determine the contents of the booklet prepared pursuant to this section.

**SEC. 3.** Section 1102.6k is added to the Civil Code, to read:

**1102.6k. (a)** In addition to any other disclosure required pursuant to this article, it shall be the sole responsibility of a seller of a single-family residential property subject to this article who has actual knowledge of the existence of any residue from smoking or ~~vaping~~ tobacco or nicotine products, or any history of occupants smoking or vaping tobacco or nicotine products on the property, to disclose that knowledge to the buyer in writing.

***(b) For the purposes of this section:***

***(1) “smoking tobacco or nicotine products” includes the use of an electronic cigarette or vape device for inhaling an aerosol;***

(2) “residue from smoking tobacco or nicotine products” means a chemical accumulation resulting from the smoking of tobacco or nicotine products, and may be indicated by the smell of tobacco smoke or by test results that indicate elevated levels of nicotine on surfaces or in dust.

**SEC. 4.** Section 25417.2 is added to the Health and Safety Code, to read:

**25417.2.** (a) For purposes of this section, “thirdhand smoke” means the toxic chemical residue left behind by tobacco smoke.

(b) The Department of Toxic Substances Control shall update the Homeowners’ Guide to Environmental Hazards created pursuant to Section 10084.1 of the Business and Professions Code, updated pursuant to Sections 13261, 25417, and 25417.1, and as required to be updated pursuant to Section 10084.2 of the Business and Professions Code, to include a new section on thirdhand smoke, in accordance with both of the following:

(1) To offset the costs associated with updating the guide, the Department of Toxic Substances Control shall delegate the responsibility for the update to the Center for Tobacco and the Environment at San Diego State University, which shall use existing center personnel and research resources, to the extent those resources are available.

(2) The Department of Toxic Substances Control shall review the update proposed by the Center for Tobacco and the Environment at San Diego State University to ensure the update adequately educates and informs consumers on all of 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 what can be done to mitigate this hazard.

(C) Sources that can provide more information on thirdhand smoke as a common environmental hazard for the consumer.