Proposed Regulation of Second Hand Smoking

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Overview

- Second Hand Smoking Ordinance Proposal
- Why Regulate?
- El Cerrito’s Report Card
- Other Cities with Smoking Ordinances
- Next Steps
- Questions and Answers
- Public Comments
- Commission Comments
The Proposed Second Hand Smoking Ordinance could potentially regulate smoking in the following categories:
- Indoors (multi-unit family housing)
- Parks and Open Space
- City owned buildings
- Commercial Zones
Why Regulate?

- **Risk to Public Health**
  - Smoking tobacco releases carcinogens and toxins that increases chance of infection, disease, and/or cancer.
  - Second hand smoking exposure affects fetal growth with elevated risk of low birth weight, and increases the risk of Sudden Infant Death Syndrome.

- **Environmental Risk**
  - Toxic air pollutant
  - Indoor pollutant
  - “Third Hand” smoking
Why Regulate?

- **Financial Drain**
  - Health care costs and lost productivity incurred by second hand smoke-related diseases and death represent the medical costs of nearly $6 billion per year in the United States.

- **Safety**
  - Risk of structure fires and wildfires
El Cerrito’s Report Card

American Lung Association’s report examined three categories:

1. Outdoor smoking restrictions = F
2. Requirements for non-smoking units in multi-unit housing = F
3. Local licensing and sales restrictions for retailers = F

- In Contra Costa County, only Richmond and unincorporated Contra Costa received A’s; 63% of California received F’s
- Only 17 cities in California received A’s
Other Local Cities with Second Hand Smoking ordinances

- Richmond
- Albany
- Berkeley
- Pinole
- Martinez
- Alameda
- Concord
- Dublin
- Contra Costa County
Parks, Recreation Areas, and Public Spaces

- State Law – Smoking is prohibited within 25 feet of tot lots and playgrounds
- As of January 1, 2011, 273 municipalities in California have restricted smoking in at least some recreation areas beyond state law
- Options for regulation include:
  - All recreation areas are 100% smokefree
  - Smoking restricted in all parks, recreation areas, and open space, but designated smoking areas are permitted
  - Smoking prohibited in some parks but not all recreation areas
  - 100% smokefree public commercial areas, including sidewalks (i.e. San Pablo Avenue, Fairmount Avenue), transit stops, other outdoor locations (ATM lines, taxi stands, etc.)
Three main areas to potentially regulate: nonsmoking units, nonsmoking common areas, and disclosure
  ◦ State law bans smoking in indoor common areas where someone is employed (property manager, maintenance worker, etc)
  ◦ State law requires landlords to inform tenants about areas on site where smoking is prohibited

Options
  ◦ Banning outright every unit (current and new)
  ◦ Banning outright new units (grandfathered in)
  ◦ Partial ban with designated smoking areas/units

Considerations
  ◦ Number of units (2 or more? 3 or more? 4 or more?)
  ◦ Segregation of units—separate HVAC filter
    • Signs for smoking/non-smoking
    • Percentage of smokers/non-smokers
  ◦ Senior and Affordable Housing
  ◦ Hotels/Motels
State law currently regulates access to and sales of tobacco products as well as the sampling of these products.

City could opt to be more restrictive:

- Tobacco Retailer Licensing: require all retailers to obtain a special license to sell tobacco within City
- Restrict or prohibit sales near schools or parks
- Restrict or prohibit sales within pharmacies
- Prohibit sampling within the City
Next Steps

- Park and Recreation study session 07/24/2013
- Study session with Environmental Quality Committee 08/13/2013
- Public outreach (community meetings, surveys, online forums, social media)
- Outreach to specific groups (Landlords, Chamber of Commerce, community groups)
- Begin Draft Ordinance
- Community Input on Draft Ordinance
- City Council Consideration
Comments and Discussions

- Questions and Answers
- Public Comment
- Committee Comment and Discussion
Further Comments or Questions?

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