

Measure V427

INSTRUCTIONS:

Please carefully read the following description of a ballot measure that was written by a disinterested expert. Feel free to take notes or outline passages as you read.

This should take you approximately 10 minutes.

BALLOT MEASURE V427

BACKGROUND

Existing state law restricts smoking of tobacco in publicly owned buildings and retail food stores. As a result:

1. Signs must be posted that smoking is prohibited within an area of a publicly owned building (other than in lobbies) when the area is used to exhibit motion pictures, present stage dramas, music recitals, and certain other types of performances.
2. When a public meeting is held in a government building, at least 50 percent of the meeting space must be designated and posted as a no-smoking area.
3. At least 20 percent of the dining area within publicly owned health facilities and clinics and within publicly owned buildings must be designated and posted as a no-smoking area.
4. Smoking is prohibited in retail food stores during business hours, except for areas set aside for smoking by employees only.

Under a state law which will take effect January 1, 1981, smoking will also be prohibited and signs required in certain areas of privately owned health facilities and clinics.

Some California cities and counties have local ordinances which prohibit smoking in other private buildings, such as retail stores, in portions of movie theaters, and in portions of restaurants.

PROPOSAL

This measure would extend the requirement for designation and posting of smoking and no-smoking sections or areas to additional enclosed buildings and facilities, both publicly and privately owned. The types of enclosed buildings and facilities affected by the measure include public places, such as restaurants and retail stores, places of employment, educational facilities, health facilities and clinics. The measure would not limit smoking in outdoor areas or in private residences.

The measure would require the State Department of Health Services to adopt, by February 2, 1981, specific regulations covering the designation of smoking and no-smoking sections or areas. These regulations will become effective when the remainder of the measure becomes effective on March 4, 1981. The regulations would, among other things, specify the types of facilities and areas which may be designated in their entirety as smoking areas, or which must be designated in their entirety as no-smoking areas. These regulations would have to be consistent with the following general criteria:

1. Smoking and no-smoking sections need not be separated by walls or partitions.
2. Areas in which it would be inappropriate to limit smoking, such as motel rooms, or rooms normally occupied exclusively by persons who smoke, may be designated in their entirety as smoking areas.
3. Areas in which it would be impractical to designate smoking and no-smoking sections, such as public areas of retail stores, elevators, and buses, shall be designated in their entirety as no-smoking areas.
4. Employees in enclosed places who request work stations in no-smoking areas shall be accommodated.

This measure would not prevent the owner or manager of any facility or area to designate the facility or area in its entirety as a no-smoking area. This measure specifies that the State Department of Health Services shall use existing resources to fulfill its requirements under the measure, and shall not request or obtain additional funding for this purpose.

The measure would also require the owner or lessee of buildings or facilities to post conspicuous signs identifying smoking or no-smoking areas. At private facilities, no-smoking signs would be required in no-smoking areas. Smoking would be permitted in all other areas. At government facilities, smoking-permitted signs would be required in designated smoking areas; and additional signs, stating that smoking is prohibited except in designated smoking areas, would be required indoors at every facility entrance.

The measure limits state and local government expenditures for signs to 50 cents per sign (plus a reasonable cost adjustment for inflation since November 15, 1979) and requires governmental entities to install signs using existing funds.

A fine of \$15 would be imposed upon anyone violating the provisions of this measure. The measure provides that no person may be taken into custody or be subject to search for violating its provisions. Each day in which the sign-posting requirements are violated would be considered a separate and distinct offense. The measure also prohibits discrimination in employment against a person who exercises the rights afforded by the measure.

Local governing bodies would be permitted to make smoking unlawful in areas not regulated by this measure in any manner that is not inconsistent with the provisions of state law. In addition, the Legislature would be authorized, with certain exceptions, to amend the measure as long as the amendment is consistent with the intent declared in the measure.



STOP!

Please go to the online survey, enter the 4-character code for this ballot measure (printed at the top and bottom of this page) and answer the survey questions.