

Measure W429

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 W429

BACKGROUND

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

At the present time, there is no state law which prohibits smoking in private buildings and facilities. State law, however, requires various transportation companies including railroads, certain bus operators and limousine services, and airlines to designate not less than 50 percent of their seats for nonsmoking passengers.

The state does restrict smoking in certain publicly owned buildings. For example, under existing state law:

1. Smoking is prohibited in certain areas within publicly-owned health facilities and clinics.
2. Smoking is prohibited within publicly owned buildings (other than in lobbies) when they are used to exhibit motion pictures, present stage dramas, music recitals, and certain other types of performances.
3. At least 50 percent of the meeting space must be designated as a nonsmoking area when a public meeting is held in a government building.

PROPOSAL

This measure would significantly expand the restrictions on smoking in enclosed buildings and facilities, both those owned by the government and those that are privately owned. Subject to the exceptions noted below, this measure would prohibit smoking in the following types of enclosed buildings and facilities:

1. Places of employment, including work areas, employee lounges, restrooms, meeting rooms, and employee cafeterias.
2. Educational facilities which include private and public schools, colleges and universities.

3. Health facilities and clinics.

4. Any public place which includes:

- a. arenas, auditoriums, galleries, museums and theaters,
- b. business establishments,
- c. public transportation facilities while operating within California,
- d. doctor and dentist offices,
- e. elevators,
- f. public restrooms.

Smoking would be permitted in any of the following areas unless the owner or manager posts a no smoking sign:

(1) bars, (2) retail tobacco stores, (3) hotel and motel rooms rented to guests, (4) rooms or halls used entirely for private social functions, (5) any fully enclosed office occupied exclusively by smokers, (6) any fully enclosed private office normally occupied by only one person, (7) taxicabs when not carrying passengers, (8) any private hospital room, (9) any semi-private hospital room where both patients have requested a room where smoking is permitted, (10) any part of a restaurant which is not designated as a nonsmoking section, (11) sleeping quarters of dormitories in educational facilities, (12) an arena, auditorium or theater when used for a rock concert, professional boxing, wrestling, or roller derby, (13) pool and gambling halls, (14) up to 50 percent of student or employee lounge areas and employee cafeterias, and (15) private compartments in sleeping cars of a railroad train.

Smoking also would be permitted in the following places subject to the noted restrictions:

1. Up to 50 percent of any lobby or waiting area, or railroad coach or lounge car, provided such areas are physically separated from the nonsmoking areas by walls or partitions. The physical separation requirement does not apply to the lobby or waiting area of hotels, motels, arenas, auditoriums and theaters.
2. Manufacturing and production areas in which smoking would not be detrimental to the health, comfort and environment of nonsmoking employees because of the distance between workers and the adequacy of ventilation (as determined by the Division of Industrial Safety).

The proposition would require every restaurant to establish a nonsmoking section in its dining area. Size and location would be determined by the owner or manager of the restaurant. A sign indicating the approximate percentage of available seats in the non-smoking section of the dining area would have to be posted at every public entrance.

With certain exceptions, the proposal would also require the owner or lessee of private property to post signs in all areas where smoking is unlawful. Clearly legible signs would have to be posted at every entrance to a facility owned or leased by a state or local governmental entity.

A fine of \$50 would be imposed against anyone violating the provisions of this proposition, with each day of violation considered as a separate and distinct offense. The proposition 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 proposal in any manner that is not inconsistent with the provisions of state law. In addition, the Legislature would be authorized to amend the proposition as long as the amendment is consistent with the intent declared in the proposition.

This proposition would become effective 90 days after its approval by the electorate.



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.