



State E-Cigarette Regulations & Local Smokefree Policies

How has e-cigarette secondhand smoke regulation changed with the passage of the new state laws in 2016?

As of June 2016, e-cigarettes are now included in all of California's state-level secondhand smoke laws. This means that wherever the state prohibits the smoking of traditional tobacco products, the state also prohibits the smoking of e-cigarettes. These secondhand smoke laws extend to most enclosed workplaces, all school grounds, and some indoor multiunit housing common areas.

Why does my community still need its own e-cigarette regulation?

Local secondhand smoke policies that go further than the state law don't automatically include e-cigarettes unless the local policy includes e-cigarettes in its definition of tobacco, smoke, or smoking. The state's definition of e-cigarettes only applies to state-level laws. Local ordinances that prohibit smoking in outdoor areas or indoor areas not covered by the state-law will not prohibit the use of e-cigarettes unless they're specifically written to do so.



State-wide policy covers these areas:

- Indoor workplaces
- Restaurants & bars (inside)
- School buildings
- School grounds
- Hotel lobbies
- Parking garages
- Some indoor common areas in multiunit housing

... e-cigarettes are prohibited in these places regardless of local policy!



Local policy covers all other areas, including:

- Outdoor dining areas
- Parks
- Sidewalks
- Outdoor worksites
- Outdoor common areas in multiunit housing
- Multi-unit housing units

... e-cigarettes are only prohibited in these places if there is a local policy that specifically includes them in its definition of tobacco/smoke/smoking!

If my community is concerned about e-cigarette secondhand smoke, how can we make sure we're protected?

Your community should work towards implementing smokefree ordinances with definitions of the terms tobacco, smoke, and smoking that include e-cigarettes and e-cigarette vapor. ChangeLab Solutions offers model policy language that provides guidance on which definitions and wording are best able to regulate e-cigarettes. See here: <http://www.changelabsolutions.org/publications/comp-smokefree-places>.

Examples of how state and local secondhand smoke policies might interact:

SCENARIO #1

Sometown, CA has not passed any e-cigarette or secondhand smoke laws beyond the state-level regulations. Therefore, both e-cigarettes and traditional cigarettes are only prohibited in places where the state prohibits them—indoor worksites, schools and school grounds, covered parking lots, and 80% of hotel guest rooms. There are some exceptions to the smokefree workplace laws for tobacco retail shops and long-term health care facilities. Smalltown residents may encounter both e-cigarette and traditional tobacco smoke in parks, outdoor dining areas, public events, and most other unenclosed areas.

SCENARIO #2

Smalltown, CA recently passed an ordinance prohibiting smoking in its main public park. Its definition of smoking includes e-cigarettes. Therefore, e-cigarettes will be prohibited in any area where the state prohibits smoking (e.g., indoor worksites schools and school grounds, covered parking lots, and 80% of hotel guest rooms), along with the park where the community has banned smoking. Should the town's city council pass ordinances further restricting secondhand smoke in the future, e-cigarettes would also be prohibited in any new areas added to their smokefree policy.

SCENARIO #3

Residents in Pleasantville, CA are concerned about having to breathe secondhand e-cigarette vapor at local parks. They helped champion a new comprehensive secondhand smoke ordinance and also included e-cigarettes in the definition of tobacco. After the ordinance passes, neither traditional cigarettes nor e-cigarettes may be smoked in any of the areas covered by their comprehensive ordinance.

SCENARIO #4

Anytown, CA has recently passed a comprehensive smokefree outdoor air policy that prohibits smoking at all recreation areas, service areas, entryways, public events, outdoor dining areas, and multiunit housing units and outdoor common areas. Their definition of smoking only includes combustible, tobacco products. E-cigarettes will not be prohibited in places covered under the new local law. If the residents want to protect themselves from e-cigarette vapor beyond the areas covered under state policy, they'll need to update the definition of tobacco used in their secondhand smoke ordinance to include tobacco.

Main Street Apartments is a large multiunit complex located within Anytown city limits. Because the complex employs an onsite worker, its indoor common areas are subject to the state's ban on e-cigarettes in the workplace. However, the outdoor common areas and individual units are only subject to the local policy, which does not include e-cigarettes. E-cigarette users may smoke in their units and in outdoor common areas, but not in indoor common areas. Traditional cigarettes may not be smoked anywhere on the grounds.