

Comprehensive Outdoor Secondhand Smoke Ordinances



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According to the U.S. Surgeon General, secondhand smoke exposure is harmful at any level. Local cities and counties in California have taken steps to protect their residents from this danger by passing ordinances that restrict smoking in outdoor areas where people congregate.

While some cities and counties prohibit smoking in only one type of outdoor area, many cities have passed comprehensive ordinances that prohibit smoking in most outdoor areas. The ordinances are considered comprehensive when prohibiting smoking in five of the seven following areas:

- 1. Dining Areas** – defined as outdoor seating at restaurants, bars, etc.
- 2. Entryways** – defined as within a certain distance of doors, windows, and other openings into enclosed areas
- 3. Public Events** – defined as farmer’s markets, fairs, concerts, etc.
- 4. Recreation Areas** – defined as parks, beaches, trails, sports fields, etc.
- 5. Service Areas** – defined as bus stops, ATM lines, ticket lines, taxi stands, etc.
- 6. Sidewalks** – defined as public sidewalks, such as sidewalks around downtown shopping and business areas
- 7. Worksites** – defined as any outdoor working area, such as construction areas

Ninety (90) cities and counties in California have passed comprehensive outdoor secondhand smoke ordinances. The full list of ninety jurisdictions is available in a table on pages 3-4 which outlines the different areas where each ordinance restricts smoking.

Comprehensive Ordinances: Two Approaches for Success

There are two approaches for a comprehensive outdoor secondhand smoke ordinance. The first approach, or **inclusive approach**, is an ordinance that bans smoking in all public places in the community. Cities that have passed inclusive ordinances, such as El Cajon, Loma Linda, and Calabasas, restrict smoking in all outdoor public places rather than listing the specific areas where smoking is banned. All seven outdoor areas (see left) are covered, as well as all other public places such as parking lots.

The second approach, followed by most other communities, is the **listing approach**. Instead of prohibiting smoking in all public places, these ordinances specifically list the places where smoking is prohibited. This model provides the same type of protection from secondhand smoke as the inclusive approach, but just in fewer locations. This approach allows a community more flexibility in terms of where smoking can be prohibited and allows for communities to gradually expand their smoke-free outdoor areas over time.

Implementation

Because these ordinances are designed to be self-enforcing, it is important for the city or county to properly implement the ordinance with an education campaign to make the public aware of the locations where smoking is prohibited. A good implementation plan can include several different elements depending on city/county resources, including signage, publications, websites and dedicated staff. While every jurisdiction may not include all of these elements, it is important to include as many as possible to ensure that the ordinance is effective at prohibiting smoking in these outdoor areas. Below are descriptions of each of these elements:

Signage – “No smoking” signs make it clear to the public where smoking is prohibited and empower people to ask someone to stop smoking.

Publications – Materials such as brochures, Frequently Asked Questions (FAQs) and window decals are useful for providing to businesses so that they can comply with the new law.

Websites – A useful way to reach a broad audience is to dedicate a section of the jurisdiction’s website to providing information on the ordinance.

Dedicated Staff – Some cities have designated a specific staff person to work on educating businesses and the public about the policy.

Enforcement

Comprehensive outdoor secondhand smoke ordinances are designed to be self-enforcing. When communities pass these types of policies, they do not intend for police officers to spend their time searching for people smoking in public places. Rather, the expectation is that through education and signage (see “Implementation” above), residents

will become aware of the smoking restrictions and most individuals who smoke will obey the law. If someone does smoke in a restricted area, other people are likely to ask that individual to stop and inform him/her of the smoking restrictions.

Despite the reliance on self-enforcement, all of the ordinances listed have some provisions that allow the city to enforce the ordinance if needed. Cities and counties have made violations of their outdoor secondhand smoke ordinance punishable as a misdemeanor, infraction or both. In addition, an enforcement agency is usually designated to enforce the smoking prohibitions. Examples of the individuals and departments who are designated as enforcement agencies include police officers, code enforcement officers, city attorneys, city prosecutors, city managers, the fire department, health and human services department, environmental health department and parks department.

A final enforcement provision found in some of the ordinances, such as Temple City, San Fernando and Hermosa Beach, is private enforcement. This enforcement option empowers an individual to enforce the nonsmoking prohibition by bringing a civil action in court against a violator and suing for damages that were caused by violations of the ordinance. This is often included in addition to the above mentioned enforcement options.

Other Resources

The Center has other resources on outdoor secondhand smoke ordinances available on our website at www.Center4TobaccoPolicy.org/smokefree-outdoor-areas. For sample language for drafting a comprehensive outdoor smoking ordinance, please visit ChangeLab Solutions at www.ChangeLabSolutions.org.

TABLE OF COMPREHENSIVE OUTDOOR SECONDHAND SMOKE ORDINANCES

The 90 cities and counties in California with comprehensive ordinances are listed below, including in which outdoor areas smoking is prohibited in each community.

City / County	Outdoor Areas Where Smoking is Prohibited						
	Dining Areas	Entryways	Public Events	Recreation Areas	Service Areas	Sidewalks	Worksites
Los Gatos (May 2016)	X	X	X	X	X	X	X
San Rafael (April 2016)	X	X	X*	X	X	X	X
Sunnyvale (February 2016)	X*	X	X*	X	X*		
Pleasant Hill (November 2015)	X*	X	X*	X	X	X	
Capitola (October 2015)	X*	X	X	X	X	X	
Cotati (October 2015)	X*	X	X	X	X*		
Davis (September 2015)	X	X	X	X	X	X	
Daly City (August 2015)	X	X	X	X	X	X	X
Santa Barbara County (July 2015)	X*	X	X	X	X	X	
Palo Alto (May 2015)	X	X	X	X	X	X	X
Livermore (April 2015)	X	X		X*	X	X	
Hemet (March 2015)	X	X	X	X	X		
Oceanside (March 2015)	X	X		X*	X*	X	
Paradise (February 2015)	X*	X	X*	X*	X		
Agoura Hills (January 2015)	X*	X		X	X	X	
El Cerrito (January 2015)	X	X	X	X	X	X	X
Piedmont (December 2014)	X	X	X	X	X	X	X
Foster City (October 2014)	X*	X	X	X	X	X	
Manhattan Beach (July 2014)	X	X	X	X	X	X	X
Oakley (July 2014)	X	X	X	X	X		
Rancho Cordova (June 2014)	X	X	X	X	X		
Corte Madera (May 2014)	X	X	X	X	X		X
Beverly Hills (April 2014)	X	X*	X*	X	X		
Temple City (December 2013)	X	X	X	X	X		
Lafayette (November 2013)	X	X	X	X	X		
Coronado (October 2013)	X*	X	X	X	X	X	
Walnut Creek (October 2013)	X	X	X	X	X	X*	X*
Arcata (July 2013)	X*	X	X	X	X	X	X
San Ramon (February 2013)	X	X	X	X	X		
Petaluma (January 2013)	X	X	X	X	X		X
Fremont (November 2012)	X	X	X	X	X	X	X
Mill Valley (September 2012)	X	X	X	X	X		X
San Fernando (September 2012)	X	X	X	X	X		
Sausalito (August 2012)	X	X	X	X	X		X
Morgan Hill (April 2012)	X*	X*	X*	X*	X		
Morro Bay (February 2012)	X	X	X*	X	X		X
Orland (February 2012)	X	X	X*	X*	X		
Carson (December 2011)	X	X	X	X	X		X
Laguna Hills (December 2011)	X	X	X	X	X		
Solana Beach (December 2011)	X	X	X	X	X		
Alameda (November 2011)	X	X	X	X	X	X	X
Hermosa Beach (November 2011)	X	X	X	X	X	X	X
Compton (October 2011)	X	X	X	X	X		

City / County	Outdoor Areas Where Smoking is Prohibited						
	Dining Areas	Entryways	Public Events	Recreation Areas	Service Areas	Sidewalks	Worksites
Sonoma County (October 2011)	X	X	X	X	X		
Campbell (September 2011)	X	X	X	X	X		
Concord (September 2011)	X*		X*	X*	X*	X	
Huntington Park (August 2011)	X	X	X	X	X		X
Fairfax (June 2011)	X	X	X	X			X
Larkspur (April 2011)	X	X	X	X	X		X
Carpinteria (February 2011)	X	X	X*	X	X	X	X
Santa Clara County (November 2010)	X	X	X	X	X		X
Union City (November 2010)	X	X	X	X	X		X
Contra Costa County (October 2010)	X	X	X	X	X		
Menlo Park (October 2010)	X*	X	X*	X	X		X
Sebastopol (August 2010)	X	X	X	X	X		X
Eureka (July 2010)	X	X	X	X	X	X*	X
Camarillo (April 2010)	X	X	X	X	X	X*	X
Pinole (April 2010)	X	X	X	X	X		
San Luis Obispo (April 2010)	X*	X	X	X	X	X	X
San Francisco (March 2010)	X*	X*	X*	X	X		
Del Mar (December 2009)	X	X	X	X	X	X	X
San Leandro (December 2009)	X	X	X	X	X		X
Palm Desert (November 2009)	X	X	X	X	X	X	X
Moorpark (September 2009)	X	X	X*	X	X	X	X
Santa Cruz (September 2009)	X	X		X	X	X	
Richmond (June 2009)	X	X	X	X	X		
Martinez (April 2009)	X	X	X	X	X		X
Rohnert Park (April 2009)	X	X	X	X*	X		
Dublin (October 2008)	X	X	X*	X*	X		
Glendale (October 2008)	X*	X	X	X	X		X
Pasadena (October 2008)	X	X	X	X	X		
Thousand Oaks (July 2008)	X*	X	X*	X*	X		
Loma Linda (June 2008)	X	X	X	X	X	X	X
Albany (May 2008)	X*	X	X	X	X	X*	X
Hayward (May 2008)	X	X	X*	X	X	X	
Novato (April 2008)	X*	X	X	X	X		X
Berkeley (December 2007)	X	X		X	X	X*	X
Ross (October 2007)	X	X	X	X	X		
Belmont (October 2007)	X	X	X	X	X		X
El Cajon (August 2007)	X	X	X	X	X	X	X
Blue Lake (June 2007)	X*	X	X*	X	X		
Temecula (May 2007)	X	X	X	X	X		X
Burbank (April 2007)	X*	X	X	X*	X*	X*	
Baldwin Park (February 2007)	X	X	X*	X	X		
Emeryville (December 2006)	X	X		X	X		X*
Laguna Woods (November 2006)	X*	X	X	X	X		
Marin County (November 2006)	X*	X	X	X	X		X
Santa Monica (October 2006)	X	X	X*	X	X	X*	
Mammoth Lakes (June 2006)	X	X	X	X	X		X
Santa Rosa (June 2006)	X	X	X	X	X*	X*	

*Policy that does not prohibit smoking in 100% of the specified area.