



**ChangeLab Solutions**

Law & policy innovation for the common good.



**THE CENTER**  
for Tobacco Policy & Organizing

# Tackling Tobacco in California

## *New Laws Regulating Tobacco Use*

September 13, 2016

## Webinar Series on New Laws Regulating Tobacco Sales in California



[www.changelabsolutions.org/publications/tackling-tobacco-california](http://www.changelabsolutions.org/publications/tackling-tobacco-california)





**Regulations on  
tobacco use  
=  
smokefree air**

# Disclaimer

The information provided in this discussion is for informational purposes only, and does not constitute legal advice. ChangeLab Solutions does not enter into attorney-client relationships.

ChangeLab Solutions is a non-partisan, nonprofit organization that educates and informs the public through objective, non-partisan analysis, study, and/or research. The primary purpose of this discussion is to address legal and/or policy options to improve public health. There is no intent to reflect a view on specific legislation.

© 2016 *ChangeLab Solutions*





Our mission:  
**Healthy communities for all  
through better laws & policies**

# Agenda

## **New Tobacco Laws & Effects on Local Tobacco Control Efforts**

- Electronic Smoking Devices
- Smokefree Workplaces
- Smokefree Schools

## **Implementation To-Date**

## **Organizing Strategies**

## **Q&A**

# Speakers



**Marybelle Nzegwu**

**Senior Staff Attorney**  
ChangeLab Solutions



**Diana Douglas**

**Tobacco Policy Analyst**  
American Lung Association in California



**Tonia Hagaman**

**Chief**  
Community and Statewide Interventions  
California Tobacco Control Program  
California Department of Public Health

# Speakers



## **Erin Reynoso**

**Statewide Director, Patient Advocacy & Grassroots Organizing**

American Lung Association in California,  
Center for Tobacco Policy & Organizing



## **Ray Leung**

**Senior Staff Attorney**

ChangeLab Solutions



# Tobacco Products



# Electronic Smoking Devices



# Tobacco Cessation Products





# Smoking





*Should my community still adopt  
a Smokefree Air Law?*



**YES!**





# Amend or Adopt Local Tobacco Laws

- To include electronic smoking devices
- To prohibit smoking in areas exempted by state law (close state law loopholes)





## Model Comprehensive Smokefree Places Ordinance & Model Smokefree Housing Ordinance



ChangeLab Solutions  
Law & policy innovation for the common good.

### Comprehensive Smokefree [and Tobacco Free] Places Ordinance

A Model California Ordinance  
Regulating Smoking (and Tobacco Use)  
in Indoor and Outdoor Areas

WITH ANNOTATIONS

Updated June 2015  
(Originally issued January 2013)

Developed by ChangeLab Solutions

This material was made possible by funds received from Grant Number 14-10214 with the California Department of Public Health, California Tobacco Control Program.

© 2015 California Department of Public Health. This material may not be reproduced or disseminated without prior written permission from the California Department of Public Health.

*ChangeLab Solutions is a nonprofit organization that provides legal information on matters relating to public health. The legal information provided in this document does not constitute legal advice or legal representation. For legal advice, readers should consult a lawyer in their state.*

[changelabsolutions.org/tobaccoquestions](http://changelabsolutions.org/tobaccoquestions)



ChangeLab Solutions  
Law & policy innovation for the common good.

### Smokefree Housing Ordinance

A Model California Ordinance Regulating  
Smoking in Multi-Unit Residences  
(with Annotations)

Revised June 2015  
(Originally issued April 2005)

Developed by ChangeLab Solutions

This material was made possible by funds received from Grant Number 14-10214 with the California Department of Public Health, California Tobacco Control Program.

© 2015 California Department of Public Health. This material may not be reproduced or disseminated without prior written permission from the California Department of Public Health.

*ChangeLab Solutions is a nonprofit organization that provides legal information on matters relating to public health. The legal information provided in this document does not constitute legal advice or legal representation. For legal advice, readers should consult a lawyer in their state.*

[changelabsolutions.org/tobaccoquestions](http://changelabsolutions.org/tobaccoquestions)



ChangeLab Solutions  
Law & policy innovation for the common good.

# SMOKEFREE WORKPLACES & SCHOOLS

Presented by:

The Center for Tobacco Policy & Organizing

*Community organizing and policy resources  
for California's tobacco control advocate*

Diana Douglas

September 13, 2016



# Which new bills affect secondhand smoke restrictions in California?



- Smokefree workplaces
- Smokefree schools
- Both effective June 9, 2016

# Smokefree Workplaces: Loopholes Closed



Owner-operator  
businesses



Workplaces with less  
than five employees



Employee  
breakrooms

*Electronic cigarettes are included!*

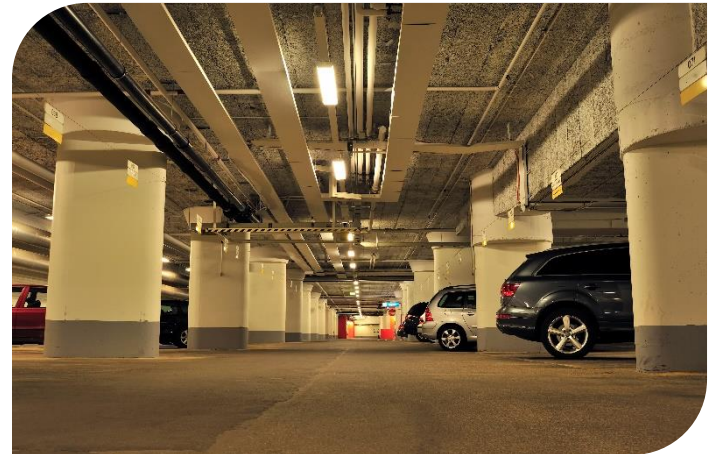


# Smokefree Workplaces: Loopholes Closed

Hotel & motel lobbies; allowance of smoking guest rooms reduced from 65% to 20% of guest rooms



Covered parking garages



*Electronic cigarettes are included!*

# Smokefree Workplaces: Remaining Exceptions



- Retail or wholesale tobacco shops
- Designated areas in long-term health facilities
- Truck cabs
- Theater productions

# Smokefree Schools: Prior to New Bill

- Smokefree status linked to TUPE funding
- Not all school campuses smokefree
- Only about 50% of local education agencies were receiving TUPE funding and were obligated to be tobacco-free
- Charter schools excluded



# Smokefree Schools: After New Bill



- All campuses 100% tobacco-free
- Charter schools included
- Smokefree status no longer linked to funding source
- Prescription products, nicotine patches, and nicotine gum exempted
- Includes chew, snus, *and electronic cigarettes*



# Smokefree Schools: What Areas are Included?

- All campuses 100% tobacco-free (grounds, courtyards, parking lots, etc.)
- Includes all school district-owned or leased property
- Includes vehicles owned by school district



# CONTACT INFORMATION

Diana Douglas  
(916) 585-7673  
diana.douglas@lung.org



# COMMUNITY ORGANIZING & THE NEW RETAIL LAWS

Presented by:

**The Center for Tobacco Policy & Organizing**

*Community organizing and policy resources  
for California's tobacco control advocate*

**Erin Reynoso**

**September 13, 2016**



# New California Secondhand Smoke Laws Implementation and Outreach

**WELCOME TO CALIFORNIA  
AMERICA'S NON-SMOKING SECTION**

**SMOKE FREE PUBLIC PLACES SINCE 1995.**

CALIFORNIA DEPARTMENT OF HEALTH SERVICES  
©2009 CDHS

Tonia Hagaman, MPH, Chief  
Community and Statewide  
Interventions  
California Tobacco Control Program

*California Department of Public Health*

# Clean Indoor Air Law

- \* Now includes e-cigs
- \* Exemptions closed
- \* **CDC: CA is now a Smoke-Free State!**



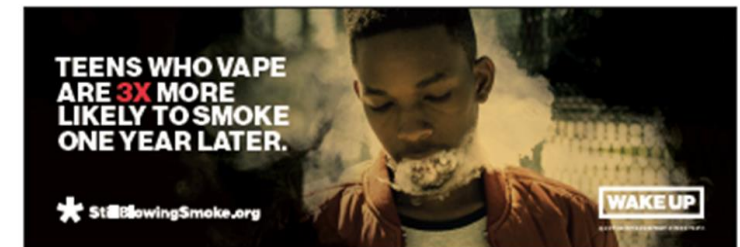
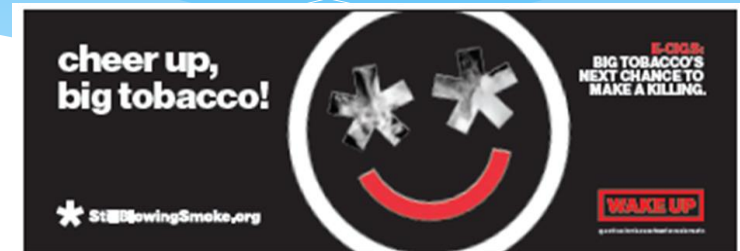


# Implementation Materials

- \* Advertising Campaign and Media Resources
- \* Fact Sheet for Employers
- \* Infographic
- \* Comprehensive SHS Brochure
- \* FAQ Document

# E-Cigarettes – Advertising Campaign

- \* TV – Olympics Placement
- \* DJ Reads
- \* Radio ads - September
- \* Bus Shelter/Bus Sides
- \* [www.stillblowingsmoke.org](http://www.stillblowingsmoke.org)
- \* [www.tobaccofreeca.com](http://www.tobaccofreeca.com)



# Smokefree Workplaces Fact Sheet

The screenshot shows a web browser window with the following content:

- Browser Tabs:** OTIS v2, Home, Tobacco Control Fact Sh..., Smoke-free Protection I..., Publications.
- Address Bar:** www.cdph.ca.gov/programs/tobacco/Documents/Resources/Fact Sheets/Smoke-free Protection in California Workplaces.pdf
- Page Header:** CDPH logo (California Department of Public Health) and the date JUNE 2016.
- Section Header:** Smoke-free Protections in the Workplace and Electronic Smoking Devices
- Subtitle:** A Summary for Employers and Owner-Operated Businesses
- Text:** Two new California laws immediately affect employers and owner-operated businesses. They include changes to California Labor Code section 6404.5, California's Clean Indoor Air Law.
- Text:** As of June 9, 2016, employers and owner-operated businesses must comply with the following laws.
- List-Group:**
  1. Certain areas and workplaces previously exempt under the Clean Indoor Air Law must now be smoke-free.<sup>1</sup>
  2. Electronic smoking devices cannot be used anywhere cigarette smoking is prohibited under state law.<sup>2</sup>
- Images:** Three red prohibition signs (a circle with a diagonal slash) over icons of a lit cigarette, an e-cigarette, and a marijuana leaf.

# Infographic

## California's Clean Indoor Air Laws

Employers and owner-operated businesses must comply with state tobacco laws

California Clean Indoor Air laws prohibit smoking these products indoors:



Cigars, Little Cigars/Cigarillos



E-Cigarettes



Cigarettes



Marijuana



Hookah

California laws prohibit smoking in:

### Indoor Workspaces

- Public and private offices and office buildings
- Small businesses with 5 or fewer employees
- Owner-operated businesses
- Government buildings
- Factories and warehouses
- Restaurants, bars, taverns, gaming clubs, bingo halls, and pool halls
- Hotel/motel lobbies, banquet and meeting rooms, and 80% of guestrooms
- Social organizations such as Elks Lodges or Veterans Clubs
- Malls, movie theatres, and gyms
- Private residences serving as a daycare, transitional housing, and crisis nurseries
- Covered parking lots, state-owned vehicles, taxi cabs, and cabs of motor trucks and tractor trailers if nonsmokers are present

### Indoor Spaces

<http://www.cdph.ca.gov/programs/tobacco/Documents/Resources/Fact%20Sheets/Ca%20Clean%20Indoor%20Air%20Laws-web.pdf>

# New Comprehensive SHS Brochure and FAQ



# Clean Indoor Air Law Resources

- \* Fact Sheet

- \* <http://www.cdph.ca.gov/programs/tobacco/Documents/Resources/Fact%20Sheets/Smoke-free%20Protection%20in%20California%20Workplaces.pdf>

- \* Infographic

- \* <http://www.cdph.ca.gov/programs/tobacco/Documents/Resources/Fact%20Sheets/Ca%20Clean%20Indoor%20Air%20Laws-web.pdf>

- \* Comprehensive Smoke-Free Brochure (in development)

- \* FAQ (in development)



# Education and Enforcement

- \* Law Enforcement Roundtable Toolkit Update
- \* Survey and Discussions with Local Projects
- \* November Webinar

# Tobacco-Free Schools

- \* Implemented by the California Department of Education
- \* Letter and FAQ – September
  - \* County Offices of Education
  - \* District Superintendents
  - \* Charter School Administrators
- \* Tobacco Free Campus Toolkit Revamp
- \* November Webinar



# LLAs and Schools

- \* Coordination
- \* Implementation Assistance



# Contact Information

## \* California Tobacco Control Program

Tonia Hagaman

916-449-5500

[tonia.hagaman@cdph.ca.gov](mailto:tonia.hagaman@cdph.ca.gov)

## \* California Department of Education

John Lagomarsino

916-323-1540

[jlagomarsino@cde.ca.gov](mailto:jlagomarsino@cde.ca.gov)

[splanche@cde.ca.gov](mailto:splanche@cde.ca.gov)

Sarah Planche

916-319-0193

# COMMUNITY ORGANIZING & THE NEW RETAIL LAWS

Presented by:

**The Center for Tobacco Policy & Organizing**


*Community organizing and policy resources  
for California's tobacco control advocate*

**Erin Reynoso**

**September 13, 2016**

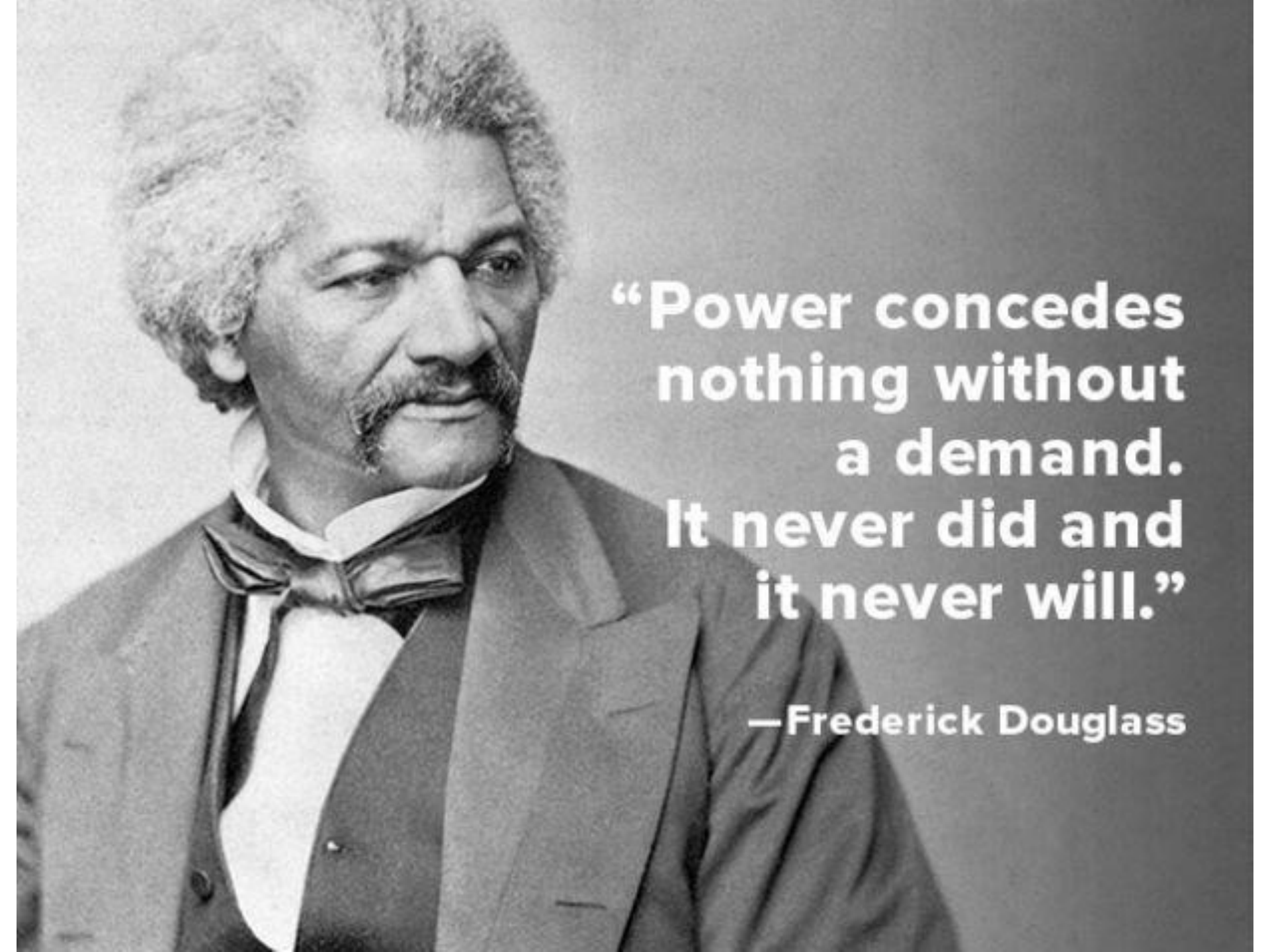


# WHO WE ARE

A photograph of a meeting or training session. A woman in a dark jacket is standing and presenting to a group of people seated at tables. The room has large windows in the background and fluorescent lighting on the ceiling. In the foreground, a man in a blue and white striped shirt is seated at a table with papers and a water bottle. Other people are visible in the background, some seated and some standing. The text is overlaid on the image in a white, italicized font.

*“The Center provides the tools we need to educate ourselves as well as train our Coalition members and educate other members of the community.”*

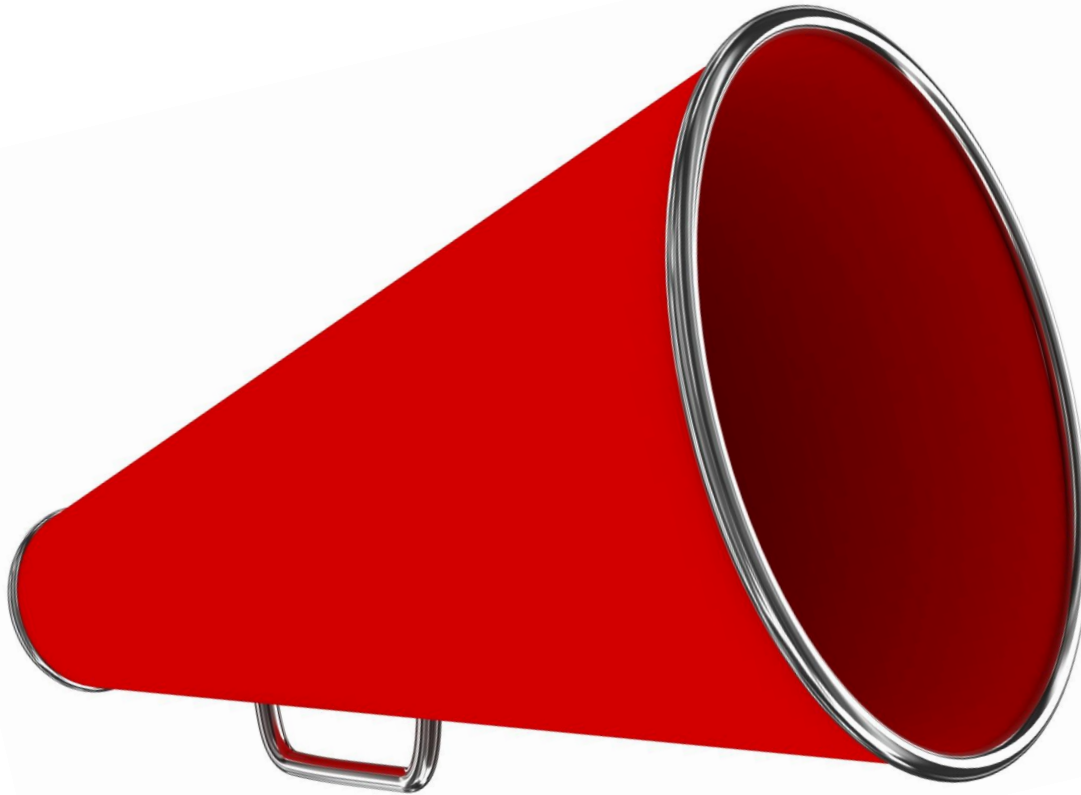


A black and white portrait of Frederick Douglass, an African American abolitionist, orator, and writer. He is shown from the chest up, wearing a dark suit jacket over a white shirt and a dark bow tie. He has a prominent mustache and is looking slightly to the right of the camera with a serious expression.

**“Power concedes  
nothing without  
a demand.  
It never did and  
it never will.”**

**—Frederick Douglass**

# NEW SECONDHAND SMOKE MESSAGES



**The state now has added e-cigs to their definition of tobacco, so we do not need to pass local policy defining e-cigs as tobacco.**

Response:

- Local secondhand smoke laws still need to specifically include electronic cigarettes.
- This is important because the new local laws are going further than the state law, and e-cigs aren't automatically covered in your local policies.
- The best way for local communities to reduce exposure to e-cigarette secondhand vapor is to specifically include these products in their local secondhand smoke ordinances.



# Didn't we just close the loopholes in secondhand smoke exposure in the workplace?

Response:

- While the recently passed legislation closes many of the loopholes in secondhand smoke exposure in the workplace, many exemptions remain and many workers are still exposed to SHS. For example: retail tobacco shops and long term health facilities.
- Additionally, the state law does not include protections for workers who are exposed to secondhand smoke outdoors – places like construction sites, restaurant and bar patios, and other outdoor events are not covered by state law.
- The best way to protect these workers is through a specific restriction on smoking in places of employment as part of a comprehensive SHS ordinance or through smokfree dining or events policies – SHS should not be a condition of employment.





**Cutting through the clutter**





**Choose your  
messenger  
wisely**

**HELLO**

**MY NAME IS**

**Introduce  
Yourself**



A young girl with curly hair, wearing a pink sweater and small pink flower hair clips, is lying on a colorful blanket in a grassy field. She is holding an open book and looking at it with a smile. A small brown dog with floppy ears is sitting next to her, looking at the book. The background is a lush green field with trees and bushes.

**Share a  
story**

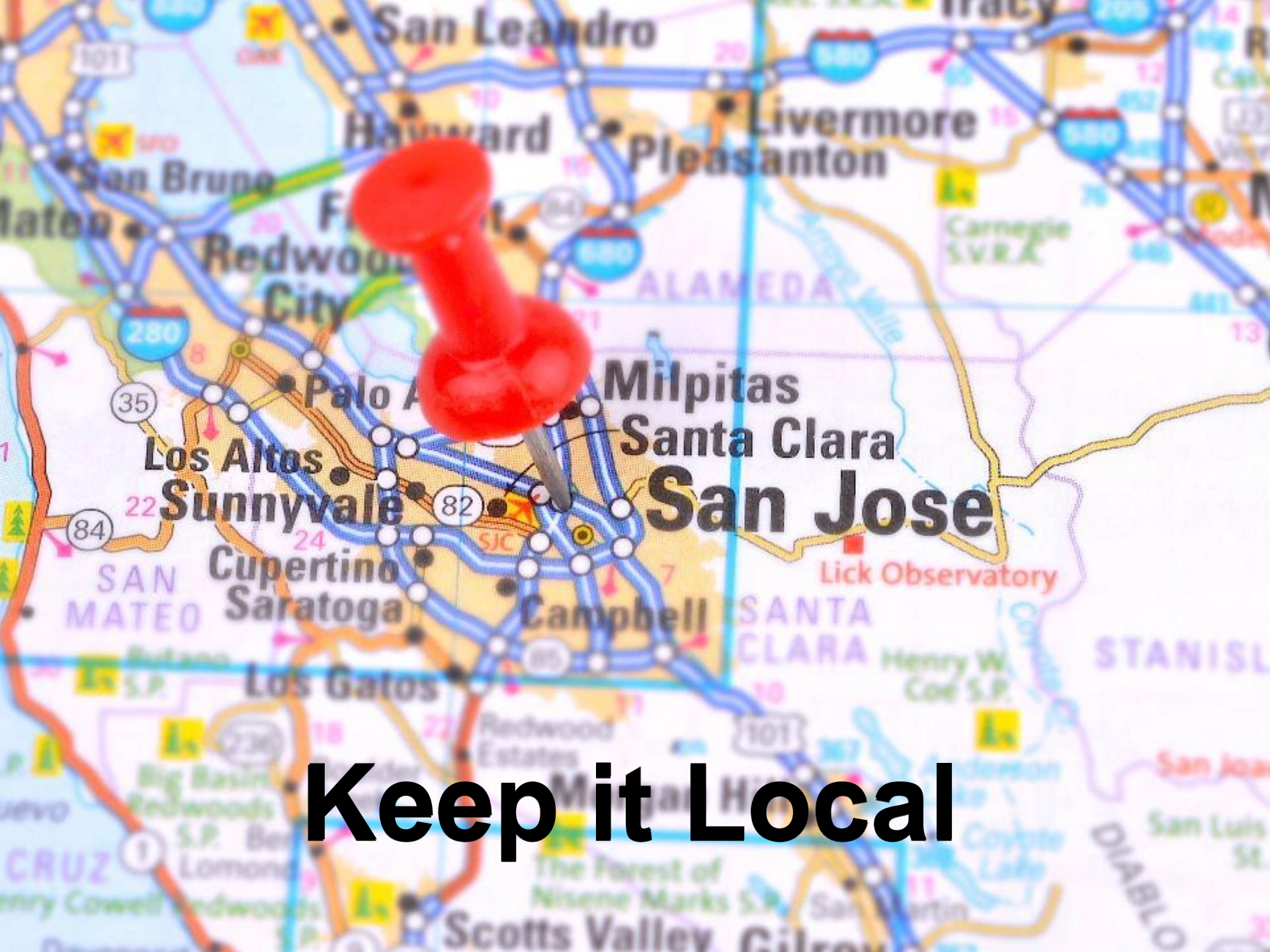




**Keep it  
simple &  
brief**







**Keep it Local**



# CONTACT INFORMATION

Erin Reynoso  
(916) 585-76761  
erin.reynoso@lung.org





# ?

# QUESTIONS



**ChangeLab Solutions**  
Law & policy innovation for the common good.



**THE CENTER**  
for Tobacco Policy & Organizing

## Webinar Series on New Laws Regulating Tobacco Sales in California



[www.changelabsolutions.org/publications/tackling-tobacco-california](http://www.changelabsolutions.org/publications/tackling-tobacco-california)



**Thank you!**



**Marybelle Nzegwu, JD**

[mnzegwu@changelabsolutions.org](mailto:mnzegwu@changelabsolutions.org)

[ChangeLabSolutions.org](http://ChangeLabSolutions.org)

**Diana Douglas**

[Diana.Douglas@lung.org](mailto:Diana.Douglas@lung.org)

[Center4TobaccoPolicy.org](http://Center4TobaccoPolicy.org)

**Erin Reynoso**

[Erin.Reynoso@lung.org](mailto:Erin.Reynoso@lung.org)

[Center4TobaccoPolicy.org](http://Center4TobaccoPolicy.org)

**Tonia Hagaman**

[Tonia.Hagaman@cdph.ca.gov](mailto:Tonia.Hagaman@cdph.ca.gov)

<http://cdph.ca.gov/tobacco/>

**Ray Leung, JD**

[rleung@changelabsolutions.org](mailto:rleung@changelabsolutions.org)

[ChangeLabSolutions.org](http://ChangeLabSolutions.org)