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
Regulations on tobacco use = smokefree air
Disclaimer

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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.

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Our mission:
Healthy communities for all through better laws & policies
New Tobacco Laws & Effects on Local Tobacco Control Efforts
  - Electronic Smoking Devices
  - Smokefree Workplaces
  - Smokefree Schools

Implementation To-Date

Organizing Strategies

Q&A
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Ray Leung
Senior Staff Attorney
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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)
Resources

Model Comprehensive Smokefree Places Ordinance & Model Smokefree Housing Ordinance

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

The material was made possible by funds received from Grant Number 14-10214 with the California Department of Public Health. California Tobacco Control Program.
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Smokefree Housing Ordinance
A Model California Ordinance Regulating Smoking in Multi-Unit Residences (With Annotations)

Revised June 2015
(Originally issued April 2010)

Developed by ChangeLab Solutions

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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

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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
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
* www.tobaccofreeca.com
Smoke-free Protections in the Workplace and Electronic Smoking Devices
A Summary for Employers and Owner-Operated Businesses

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.

As of June 9, 2016, employers and owner-operated businesses must comply with the following laws:

1. Certain areas and workplaces previously exempt under the Clean Indoor Air Law must now be smoke-free.
2. Electronic smoking devices cannot be used anywhere cigarette smoking is prohibited under state law.
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

- Outdoor Spaces:
  - 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, taxicabs, and cabs of motor trucks and tractor trailers if nonsmokers are present

New Comprehensive SHS Brochure and FAQ
Clean Indoor Air Law Resources

* Fact Sheet

* Infographic

* 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
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September 13, 2016
WHO WE ARE

“The Center provides the tools we need to educate ourselves as well as train our Coalition members and educate other members of the community.”
“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.
Cut through the clutter
Choose your messenger wisely
Introduce Yourself
Share a story
Keep it simple & brief
Keep it Local
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Thank you!

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