



**COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Health Agency – Public Health	(2) MEETING DATE 1/14/2020	(3) CONTACT/PHONE Annette Martin, ASO II 805-781-1548	
(4) SUBJECT Public meeting to consider an Ordinance amending Chapter 8.22 of the County Code to expand prohibition of smoking to all public areas within the unincorporated areas of the County, with certain allowable exceptions. Item introduced on December 10, 2019. All Districts.			
(5) RECOMMENDED ACTION It is recommended that the Board: <ol style="list-style-type: none"> 1. Adopt the proposed Ordinance amending Title 8, Chapter 8.22 of the County Code to prohibit smoking in all public areas in the unincorporated areas of the County, except in certain designated areas; and 2. If adopted, the Board waive the reading of the ordinance; and 3. Instruct the Clerk of the Board to publish the summary of the ordinance, previously prepared by the County Public Health Officer, in a newspaper of general circulation in the County within 15 days after adoption of the proposed ordinance by your Board, containing the names of those supervisors voting for and against the matter, which can act as an alternative publication pursuant to Government Code section 25124(b)(1), and instruct the Clerk to post a copy of the full text of the ordinance and the names of those supervisors voting for and against the ordinance on the county's website. 			
(6) FUNDING SOURCE(S) N/A	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? No
(10) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. _____) <input checked="" type="checkbox"/> Board Business (Time Est. <u>30 min</u>)			
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input checked="" type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: N/A <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP N/A	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input type="checkbox"/> N/A Date <u>12/10/19, 7/17/12, 6/19/12</u>	
(17) ADMINISTRATIVE OFFICE REVIEW Morgan Torell			
(18) SUPERVISOR DISTRICT(S) All Districts			



COUNTY OF SAN LUIS OBISPO

TO: Board of Supervisors

FROM: Michael Hill, Health Agency Director
Penny Borenstein, M.D., Health Officer/Public Health Director

DATE: 1/14/2020

SUBJECT: Public meeting to consider an Ordinance amending Chapter 8.22 of the County Code to expand prohibition of smoking to all public areas within the unincorporated areas of the County, with certain allowable exceptions. Item introduced on December 10, 2019. All Districts.

RECOMMENDATION

It is recommended that the Board:

1. Adopt the proposed Ordinance amending Title 8, Chapter 8.22 of the County Code to prohibit smoking in all public areas in the unincorporated areas of the County, except in certain designated areas; and
2. If adopted, the Board waive the reading of the ordinance; and
3. Instruct the Clerk of the Board to publish the summary of the ordinance, previously prepared by the County Public Health Officer, in a newspaper of general circulation in the County within 15 days after adoption of the proposed ordinance by your Board, containing the names of those supervisors voting for and against the matter, which can act as an alternative publication pursuant to Government Code section 25124(b)(1), and instruct the Clerk to post a copy of the full text of the ordinance and the names of those supervisors voting for and against the ordinance on the county's website.

DISCUSSION

Intent of Ordinance Amendment 8.22

While not smoking indoors has become the norm in American society, a more contemporary policy focus is aimed at curbing the ill effects of secondhand smoke by banning smoking in public areas, including outdoors. In addition, with expansion in recent years of legal sales of new retail products that are smoked, namely cannabis and electronic cigarettes (e-cigs or vapes), existing statutory frameworks are insufficient to ensure protection from secondhand smoke. The U.S. Surgeon General has warned that there is no safe level of exposure to secondhand smoke.

The intent of ordinance amendment in County Code Section 8.22 is to ban smoking and vaping in all outdoor public areas within unincorporated areas of the County, where members of the public are potentially subjected to involuntary inhalation of secondhand smoke. Further, the ordinance amendment expands the definition of

secondhand smoke to include smoke from all nicotine and cannabis products, whether from a conventional or electronic smoking device.ⁱ

This wide-reaching effort would expand upon Ordinance No 3228, adopted July 17, 2012 that prohibited smoking on County property. Five of the seven incorporated cities (Atascadero, Morro Bay, Paso Robles, Pismo Beach and San Luis Obispo) within the County have adopted similar comprehensive outdoor smoking bans.

Proposed Amended Ordinance 8.22

The proposed changes to Chapter 8.22 of the County Code would update the current definition of smoking to include cannabis products and electronic smoking devices. The amended ordinance will also expand the current prohibition of no smoking on County property to include all public areas, including any public or privately-owned place that is open to the general public regardless of any fee or age requirement, within the unincorporated areas of the County. Such places include all recreational areas, outdoor dining areas, entryways, services areas, sidewalks, and common areas of multi-unit residential complexes (e.g. play and swimming areas). The ordinance would also remove exemptions made to the California smoke-free workplace law that allow smoking in some indoor areas. Certain designated areas may be exempted as authorized by the County Health Officer and the County Director of Parks and Recreation.

Benefits

There are significant health benefits to prohibiting smoking in public places. Smoking at outdoor public venues may expose adjacent non-smokers to levels of toxic secondhand smoke, which contributes to negative health consequences such as risk of cardiac disease or infarction and lung and other cancers. In addition to the health impacts, there are additional benefits. Cigarette butts are the most commonly littered items on the planet. Cigarette litter left on the ground takes an average of 25 years to decompose while chemicals and additives leach into the groundwater and pollute the soil. Recently, the Health Agency Tobacco Control Program has partnered with the Department of Public Works Stormwater Program and other area nonprofits to address this ongoing issue. In addition, reducing the areas in which people smoke makes it easier for people to quit because they have fewer opportunities to smoke and they may experience fewer neurologic triggers of their addiction. Finally, furthering the social norm in which smoking in public is increasingly less accepted is a significant factor in reducing youth initiation of tobacco or other smoked products.

Health Agency Tobacco Control Program Support

There is widespread recognition that smoking is an addiction and that quitting often requires multiple attempts. The County of San Luis Obispo is somewhat distinctive in that we are one of the few counties in the state that continues to provide direct cessation services to its residents. For the past 20 years, the Health Agency Tobacco Control Program has offered free cessation services to all residents of the County for the benefit of the individuals as well as the community at large. Traditionally, primarily adult smokers have attended cessation classes. More recently, the program has been receiving requests from parents looking for resources to help their children quit vaping.

Enforcement of 8.22

Enforcement is perceived as critical to the successful adoption of a smoke-free policy. However, smoke-free policies are often more successful by means of "self-enforcement". That is, community members are encouraged to address nearby smokers directly. This approach is typically dependent on policy awareness, which requires successful policy promotion and clear visible signage designating a smoke-free environment. County staff and enforcement officers will not spend time searching for people smoking. It is anticipated that there may be some smoking complaints received at the beginning of implementation but that over time the number of complaints will diminish.

Attachment 1 “Historical Background on the Hazards of Smoking and Smoking Regulation” provides a more comprehensive perspective on the rationale for advancing this ordinance amendment.

OTHER AGENCY INVOLVEMENT/IMPACT

Leadership at the Sheriff’s Office and the Director of County Parks and Recreation have been involved in the preparation of the proposed Ordinance 8.22 amendment. In particular, the Sheriff expressed agreement with the planned approach to enforcement and the willingness of the Health Agency Tobacco Control Program to staff a warm-line for smoking-related complaints.

County Counsel reviewed and approved the ordinance as to form and legal effect. The County Clerk published proposed Ordinance 8.22 amendment summary in a newspaper of general circulation, in accordance with Government Code section 25124.

FINANCIAL CONSIDERATIONS

The financial considerations associated with the proposed ordinance change to 8.22 are limited to the need to post appropriate signage at various County locations. Getting the message out to the public can take many forms including: posters, facility permits, brochures and permanent outdoor signs. These costs are expected to be low and will be covered by Tobacco Control Program grant funding.

If approved, implementation of the amended ordinance would begin in February 2020 through a campaign of signs, posters and brochures. Permanently posted signs would be ordered and installation would commence thereafter and be completed by June 2020. Various County website pages would be updated.

Potential opportunity costs will increase with the numbers of calls received by County staff. While it is not possible to determine how frequently people will complain of smoking and require staff action(s), most other counties that have tobacco control ordinances of this type have noted very few calls for action.

RESULTS

Approval of the proposed ordinance changes is expected to have the following results:

- Employees, community members, and visitors will not be exposed to secondhand smoke in public areas within the unincorporated areas of the County
- Tobacco litter will decrease
- More community members will access the Health Agency’s cessation services (which currently have capacity to accommodate additional registrants.)

This ordinance supports the County’s vision of A Healthy Community, which helps to ensure that all people in our community enjoy healthy, successful and productive lives.

ⁱ https://www.cdc.gov/tobacco/basic_information/e-cigarettes/severe-lung-disease.html

ATTACHMENTS

- 1 Historical Background on the Hazards of Smoking and Smoking Regulation

- 2 Ordinance - Chapter 8.22 Markup
- 3 Ordinance - Chapter 8.22 Clean
- 4 Tobacco Ordinances 8.22 & 8.23 PowerPoint Presentation