



## Sonoma County Smoking and Secondhand Smoke Ordinance *Affecting areas under County jurisdiction (does not apply to local cities)* Frequently Asked Questions (FAQs) for Business Owners

The Sonoma County Board of Supervisors recently adopted Ordinance 5947 and Ordinance 5953 to amend Chapter 32 of the Sonoma County Code in order to protect people from exposure to secondhand smoke in Multi-Unit residences and in certain public places in the unincorporated areas of the county (outside local city limits). The goal of Chapter 32, titled the "Ordinance Regulating Smoking and Secondhand Smoke" is to improve the health, safety, and welfare of the citizens of Sonoma County. The Ordinance will promote a healthy, smoke-free environment, eliminate the unwanted exposure to hazardous secondhand smoke in public places and multi-unit housing, decrease healthcare costs, and reinforce healthy lifestyles. The table below provides questions and answers regarding provisions of the Ordinance regulating smoking that affect **businesses in areas under County jurisdiction**. This information does not apply to areas within city limits; please see <http://www.sonoma-county.org/health/topics/tobacco.asp> for information on smoking regulations for local cities.

Why regulate smoking and secondhand smoke outdoors?	
Health	<ul style="list-style-type: none"><li>• Smoking and secondhand smoke (SHS) are harmful to the health of smokers and nonsmokers. SHS exposure increases the risk of Sudden Infant Death Syndrome and makes childhood asthma worse.</li><li>• Secondhand smoke exposure is the sixth leading cause of death in the U.S. The California Air Resources Board declared SHS smoke to be a "toxic air contaminant," putting it in the same classification as diesel exhaust, benzene, and arsenic.</li><li>• Exposure to secondhand smoke increases the risk of coronary heart disease by approximately 30%.</li></ul>
Exposure	<ul style="list-style-type: none"><li>• The United States Surgeon General has concluded that there is <b>no risk-free level of exposure</b> to secondhand smoke.</li><li>• Stanford University's 2007 outdoor SHS air measurement studies concluded: 1) toxins near an outdoor smoker can be ten times higher than the exhaust from nearby truck and car traffic, and; 2) smoke from multiple smokers can travel 50 feet or more and, even at that distance, can exceed U.S. EPA air quality standards.</li></ul>



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**Why regulate smoking and secondhand smoke outdoors?**

Motivation	<ul style="list-style-type: none"><li>Regulations help motivate more smokers to quit. The California Smokers' Helpline research has shown that policies restricting tobacco use can help to support people who smoke and want to quit. The County will assist smokers who wish to become smoke-free through a public information campaign and cessation referrals.</li></ul>
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**What Areas will be Affected?**

Outdoor Dining areas	<b>Starting June 1, 2012:</b> No smoking in any area available to or customarily used by the general public or an employee intended or regularly used for consuming food or drink. This includes outdoor dining areas, as well as picnic areas and tables and chairs on sidewalks.
Service areas	<b>Starting December 3, 2011:</b> No smoking in any area where people are required to wait to make a transaction, whether or not such service includes the exchange of money, including, for example ATMs, bank teller windows, telephone, ticket lines, bus stops and cab stands.
Reasonable Distance from No Smoking areas	<b>Starting December 3, 2011:</b> No smoking within a minimum of twenty-five (25) feet of areas where smoking is prohibited. This distance ensures that occupants of an area in which smoking is prohibited are not exposed to secondhand smoke by smokers outside the area. This includes doorways, windows, and vents.  Outdoor drinking/dining areas are exempt from the entryway provision until <b>June 1, 2012</b> . This extended timeline provides those establishments with outdoor/drinking areas additional time to prepare for implementation.



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Enclosed Areas in Places of Employment	<p><b>Starting December 3, 2011:</b> No smoking in any area under the control of an Employer that an Employee or the public may have cause to enter in the normal course of operations, regardless of the hours of operation. This includes, but is not limited to: indoor work areas; bars; restaurants; at least seventy-five percent (75%) of the guest rooms in any hotel and motel; vehicles used for Business purposes; taxis; Employee lounges and break rooms; conference and banquet rooms; bingo and gaming facilities; long-term health care facilities; warehouses; retail or wholesale tobacco shops; and private residences used as licensed child care or health care facilities when Employees, children or patients are present during business hours.</p>
Public Events	<p><b>Starting December 3, 2011:</b> No smoking at any event on public or private property open to the general public regardless of any fee or age requirement, including but not limited to fairs, festivals, parades, farmers markets and concerts.</p> <p>Smoking may be allowed in a Designated Smoking Area (DSA). A DSA is a designated portion of an Unenclosed area where smoking may be allowed as long as the DSA meets the following criteria:</p> <ul style="list-style-type: none"><li>○ Must be located at least 25 feet in any direction from any operable doorway, window, opening or other vent into an Enclosed Area</li><li>○ Must be located at least 25 feet from Unenclosed Recreational Areas that are primarily used by children</li><li>○ Must be located at least 25 feet from Unenclosed Areas that have improvements that facilitate physical activity including playgrounds, tennis courts, swimming pools, walking paths and sports fields</li><li>○ Must be no more than five percent (5%) of the total Unenclosed Area for which it is designated</li><li>○ Must be clearly identified by conspicuous signs, and have ash receptacles, such as ash trays or ash cans, within the area for proper disposal of smoking waste.</li></ul>
Hotel and Motel Guest Rooms	<p><b>Starting December 3, 2011:</b> At least seventy-five percent (75%) of hotel and motel guest rooms must be permanently designated as nonsmoking rooms. Ashtrays need to be removed from the nonsmoking rooms and permanent "No Smoking" signs must be posted in nonsmoking rooms. Smoking is not permitted on balconies and patios that are within 25 feet of nonsmoking rooms.</p>



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What does a business owner, operator, manager or Employer need to do to comply with law?	
Signage	Clearly, sufficiently and conspicuously post “No smoking” signs or the international “no smoking” symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) in every building, including points of ingress, where smoking is prohibited (by this Smoking Ordinance). (Sec.32-8a)
Enforcement	<p>Do not knowingly permit smoking in those places where smoking is prohibited. A person who owns, manages, operates, or otherwise controls the use of any place where smoking is prohibited knowingly or intentionally acts if he or she has not taken the following actions to prevent smoking by another person: (1) requested that a person who is smoking refrain from smoking; and (2) requested that a person who is smoking leave the place if the person refuses to stop smoking after being asked to stop. This does not require physically ejecting a person from a place or taking steps to prevent smoking under circumstances that would involve risk of physical harm. Any owner, manager, operator or Employer of any establishments covered in this ordinance shall have the responsibility to inform any apparent violator about any smoking restrictions in said establishment. (Sec. 32-4a)</p> <p>Laws regulating smoking are largely self-enforcing. Reports from cities and counties, including those in Sonoma County, show proper signage and public education are effective in implementing smoke-free ordinances.</p>
Designated Smoking Area (DSA)	<p>If necessary, smoking may be allowed in a Designated Smoking Area (DSA). A DSA is a designated portion of an Unenclosed area where smoking may be allowed as long as the DSA meets the following criteria:</p> <ul style="list-style-type: none"><li>○ Must be located at least 25 feet in any direction from any operable doorway, window, opening or other vent into an Enclosed Area</li><li>○ Must be located at least 25 feet from Unenclosed Recreational Areas that are primarily used by children</li><li>○ Must be located at least 25 feet from Unenclosed Areas that have improvements that facilitate physical activity including playgrounds, tennis courts, swimming pools, walking paths and sports fields</li><li>○ Must be no more than five percent (5%) of the total Unenclosed Area for which it is designated</li><li>○ Must be clearly identified by conspicuous signs, and have ash receptacles, such as ash trays or ash cans, within the area for proper disposal of smoking waste. (Sec. 32-3)</li></ul>



COUNTY OF SONOMA  
DEPARTMENT OF HEALTH SERVICES

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**What is the effective date of the Ordinance?**

Most provisions      **December 3, 2011**

Outdoor Dining Areas      **June 1, 2012**