

Clearing the Air

*Overview of State and Local Tobacco
Control Smoke-Free Laws*

**Tobacco Education
& Prevention Program**

209-533-7419



Tobacco Education & Prevention Program

Funded by Prop 99 & 56 funds and working under the guidance of the California Tobacco Control Section of the Department of Health Services.



Community Health Education

- Outreach events
- Workshops
- Trainings

Tobacco Cessation

- Free support group classes
- Referrals
- Quit Kits

Preventing Youth Access

- Illegal sales to youth surveys
- Youth advocacy
- Youth targeted tobacco products

Advocacy, Laws & Compliance

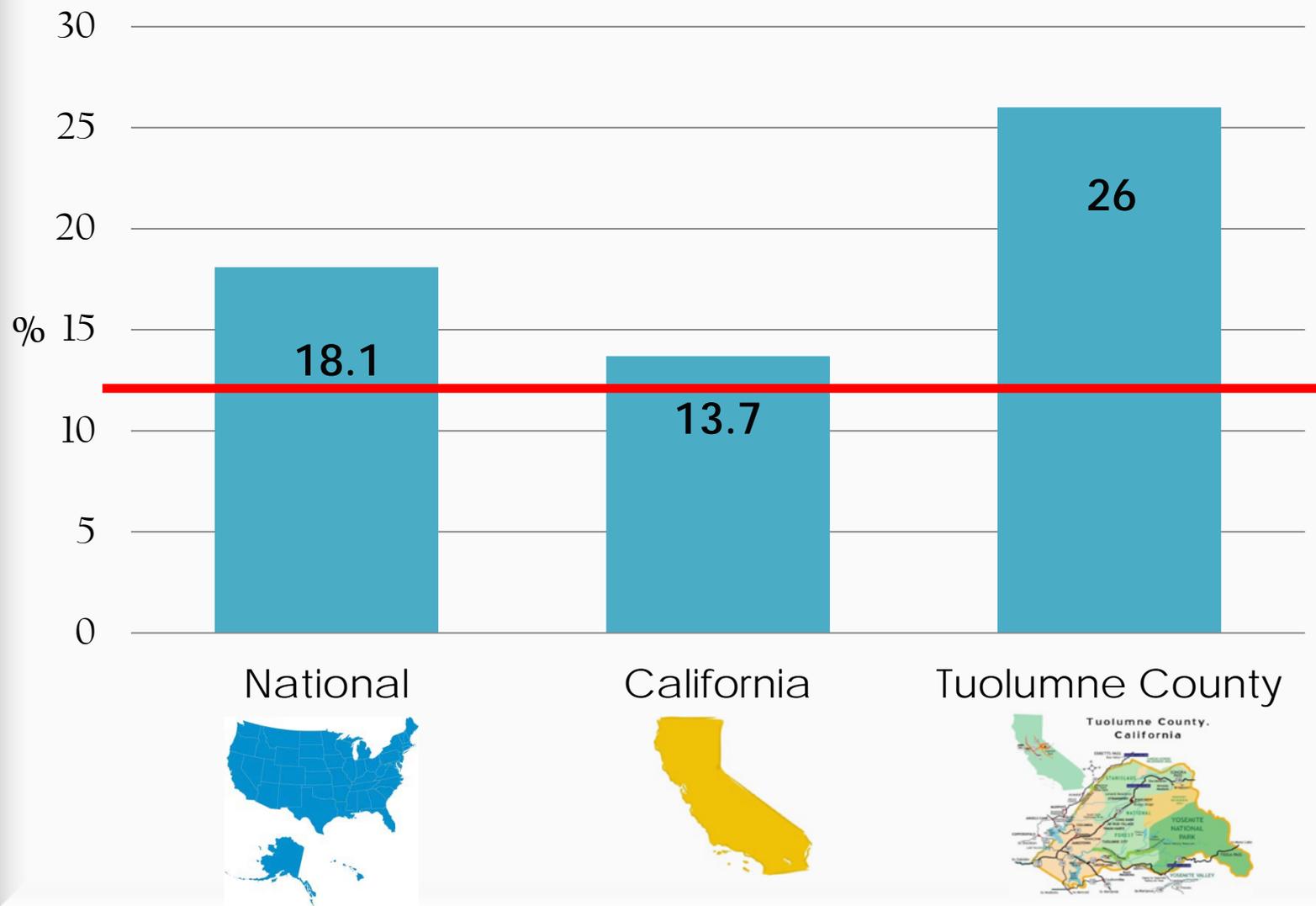
- Educate about tobacco policy
- Community mobilization
- Business compliance checks

Secondhand Smoke (SHS) Reduction

- SHS education
- Thirdhand smoke

**The adult smoking
rate for Tuolumne
County is 26%**

Adult Smoking Rates, 2012



Tuolumne County Tobacco Consumption Survey, 2012

Centers for Disease Control, MMWR, Adult Cigarette Use Rates 2005-2012

Tobacco Consumption Survey, 2012



- Nearly half of all households have at least one consumer of some form of tobacco.



- Tobacco consumption is higher in multiple unit homes than other types of dwellings.



- Tobacco use rates are slightly higher among those earning \$30K or less.

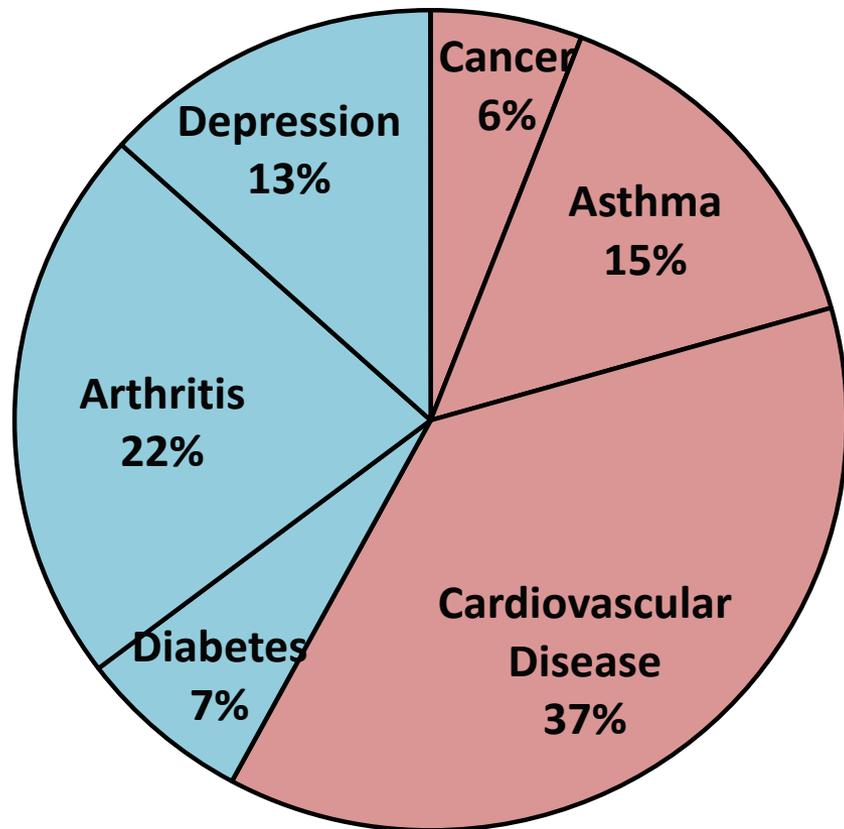
Economic Burden of Chronic Disease

- Smoking is a risk factor associated with many chronic diseases, particularly cardiovascular disease (CVD) and cancer.
- Cardiovascular disease (including stroke) and cancer account for the majority of deaths in Tuolumne County.
- Tuolumne ranks **the highest in the state** for health care expenditures on chronic diseases.

Economic Burden of Chronic Disease

% of population with condition in 2010

N=55,365



Tuolumne County's total health care cost in 2010:

\$216, 388, 532

Percentage of total health care expenditure due to six chronic conditions:

62.7%

Secondhand Smoke (SHS)

- Smoke from burning cigarette, cigar, or pipe
- Smoke exhaled through nose or mouth of a smoker
- Also called Passive/Environmental smoke

What's in Secondhand Smoke?



Hydrogen cyanide



Carbon Monoxide



Arsenic



Butane



Lead



Ammonia



Toluene



Cadmium

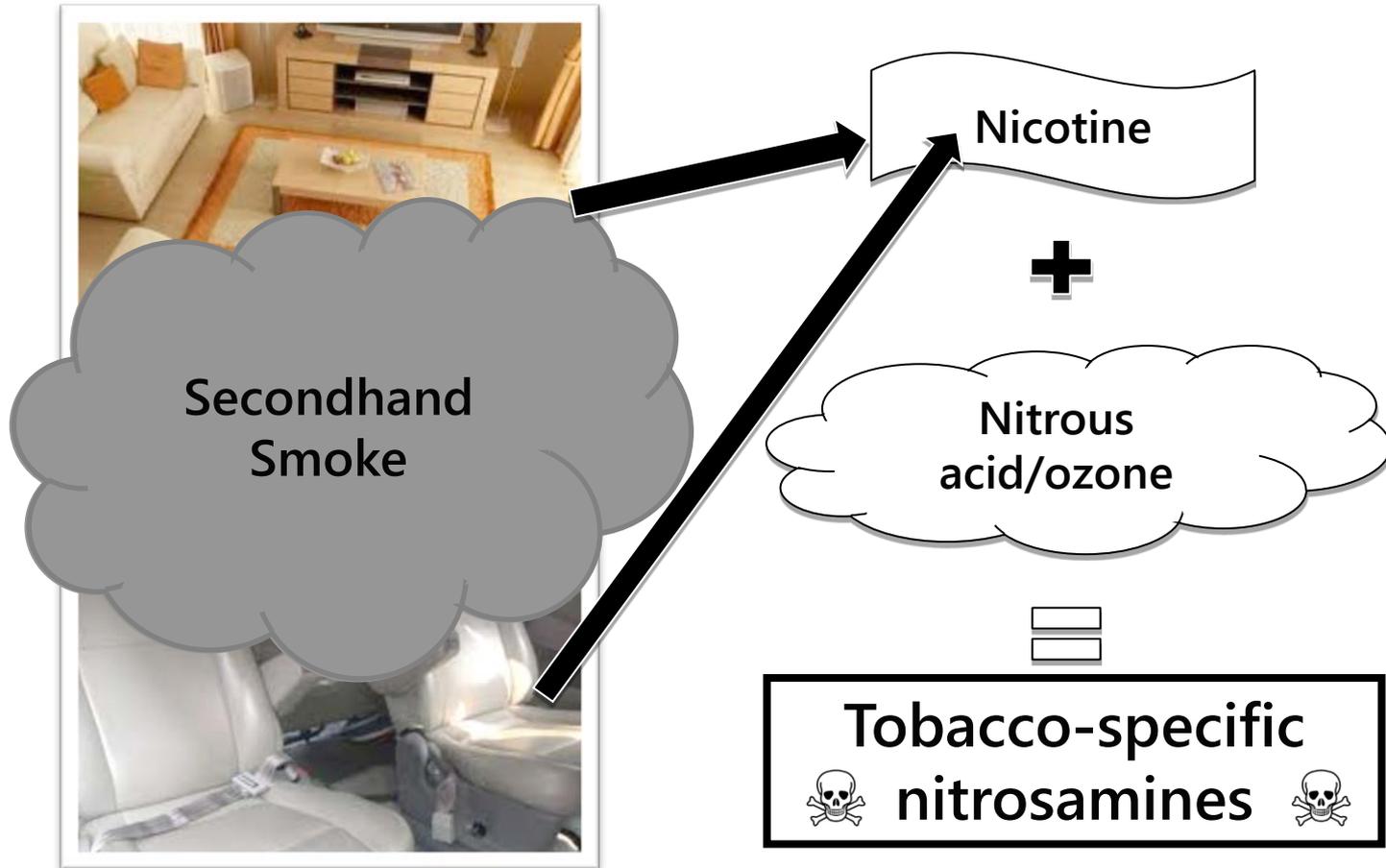
What's in Secondhand Smoke?

There is NO
risk-free level of exposure to
tobacco smoke.

Thirdhand Smoke (THS)

- **Third-hand smoke is the left-over contamination in a room/car/clothing that persists after the cigarette is extinguished**
- **Remain on surfaces, re-emit into the air, react to yield secondary pollutants**

Thirdhand Smoke (THS)







Tobacco Control Laws

**“The right to swing my fist
ends where the other
man’s nose begins.”**

- Oliver Wendell Holmes Jr.

There Is No Constitutional Right to Smoke

- Constitutional rights to smoke have **no legal basis**, no court has recognized smoking as a protected fundamental right nor has any court found smokers to be a protected group of persons as smoking is not an “immutable characteristic” defined by the Supreme Court
- Smoking is not mentioned anywhere in either constitution.
- The U.S. Supreme Court has held that “only personal rights that can be deemed ‘fundamental’ or ‘implicit in the concept of ordered liberty’ are included in the guarantee of personal liberty.” These rights are related to an individual’s bodily privacy and autonomy within the home. The privacy interest protected by the U.S. Constitution includes only marriage, contraception, family relationships, and the rearing and educating of children. Very few private acts by individuals qualify as fundamental privacy interests, and smoking is not one of them.
- So long as a smoking regulation is rationally related to a legitimate government objective such as protecting public health or the environment, the regulation will be upheld as constitutional.

SOURCE:

http://www.changelabsolutions.org/sites/default/files/documents/B_ThereIsNoConstitutionalRighttoSmoke_CA_4_05.pdf

Summary of CA State Laws & Smoking

- No smoking in cars with minors
- All public school campuses and child care centers are smoke-free areas at all times
- No smoking within 25 feet of a playground area
- Smoke-free workplaces
- No smoking within 20 feet of a county owned or leased building

California Labor Code Section 6404.5

- It is against the law to smoke, including the use of electronic smoking devices, in an enclosed space at a place of employment or owner-operated business. No employer or owner-operated business shall knowingly or intentionally permit smoking in an enclosed space. Enclosed space includes covered parking lots, lobbies, lounges, waiting areas, elevators, stairwells, and restrooms that are a structural part of the building. A place of employment is any place where employees or owner-operators carry on their work.

CH 8.36

CLEAN INDOOR AIR AND HEALTH PROTECTION ORDINANCE

- **Applies only to unincorporated Tuolumne County**
- **The County ordinance offers protections in some outdoor areas including:**
 - outdoor dining
 - outdoors sports arenas
 - some areas in multiple unit housing

View document at:

<https://www.tuolumnecounty.ca.gov/DocumentCenter/View/332>

CONSIDERATIONS FOR OUTDOOR DINING ESTABLISHMENTS IN TUOLUMNE COUNTY

- Any outdoor dining area should be smoke-free and should have appropriate signage posted
- Designated smoking areas are allowed as long as the following are met:
 - Food/beverage may **NOT** be served in designated smoking areas
 - Tables of designated smoking areas **may not** have any food/beverage service items on them (i.e. condiment trays, napkins, menus, etc)
 - Patrons who want to eat in the designated smoking area can do so **ONLY IF** they purchase their food/beverage and bring it to the area **THEMSELVES**.
 - **Restaurant staff may not serve food/beverage to patrons in designated smoking areas, this includes re-fills, taking orders, bringing out food, etc.**
 - Any violations of the aforementioned stipulations render the smoking area an outdoor dining area and any smoking occurring in that setting would be a violation of Chapter 8.36 of Tuolumne County Ordinance Code

NEXT STEPS FOR YOUR ORGANIZATION

- Voluntary adoption of smoke-free policies by an organization, including Housing Associations, can be aimed at mitigation of secondhand smoke exposure through re-designation of smoking areas, smoking boundaries, or 100% smoke-free policy
- Survey patrons of affected areas to assess public opinion on secondhand smoke exposure in outdoor dining and preferences
- Review proposed updates to the County Clean Air Ordinance
- Advocate for better smoke-free protections in Tuolumne County

**1 in 4 Tuolumne County
residents smoke, but
that also means that
3 in 4 don't.**