

Legislative Update: Governor Signs Smoke-Free Entryway Bill

On Tuesday September 9, Governor Gray Davis signed Assembly Bill 846 (Vargas, D-San Diego) into law. AB 846 prohibits smoking within 20 feet of main entrances, exits and operable windows of all public buildings in California, including state, county and city buildings as well as buildings on the campuses of the University of California, California State University and California Community Colleges. AB 846 does not include funding for enforcement, education or signage. The law will go into effect on January 1, 2004.

Local Policy Implications

The passage of AB 846 is a significant victory and will go far in protecting the public from second hand smoke. It is important to note that AB 846 includes strong anti-preemption language, which states:

“This section shall not preempt the authority of any county, city, city and county, California Community College campus, campus of the California State University, or campus of the University of California to adopt and enforce additional smoking and tobacco control ordinances, regulations, or policies that are more restrictive than the applicable standards required by this chapter.”

Because it does not pre-empt local policies and ordinances that are more restrictive, it provides a great opportunity for local tobacco control advocates to promote policies that extend this new protection. For example, advocating ordinances that protect the public from secondhand smoke around all worksites in their community. The arguments made by the bill’s author and supporters in favor of banning smoking around government buildings (e.g., that secondhand smoke is a known carcinogen and that many people exposed to outdoor tobacco smoke suffer immediate symptoms including breathing difficulties, eye irritation, headache, nausea and asthma attacks) are also valid for banning smoking around all buildings the public enters.

For more information on AB 846, or local entryway policies, please contact Julie Bradley-Hart, The Center for Tobacco Policy & Organizing’s Policy Coordinator, at 916-442-4299 or jbhart@alac.org.