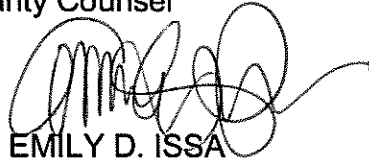


ANALYSIS

This Ordinance establishes the Los Angeles County Smoke-Free Ordinance to update definitions of smoke and smoking to include electronic smoking devices and cannabis and place further restrictions on smoking in the unincorporated areas of the County as well as on County property by amending Title 2 – Administration, Title 11 – Health and Safety, Title 17 – Parks, Beaches and Other Public Areas, and Title 19 – Airports and Harbors of the Los Angeles County Code.

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By



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Health Services Division

EDI:jj

Requested: 11/09/18

Revised: 2/27/19

ORDINANCE NO. _____

An ordinance amending Title 2 – Administration, Title 11 – Health and Safety, Title 17 – Parks, Beaches and Other Public Areas, and Title 19 – Airports and Harbors of the Los Angeles County Code, to update the definitions of smoke and smoking to include electronic smoking devices and cannabis, and placing further restrictions on smoking in the unincorporated areas of the County as well as on County property.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 2.126.020 is hereby amended to read as follows:

2.126.020 Definitions.

As used in Sections 2.126.010 through 2.126.070:

A. "Smoke" means the gases, particles, or vapors released into the air as a result of combustion, electrical ignition, or vaporization, when the apparent or usual purpose of the combustion, electrical ignition, or vaporization is human inhalation of the byproducts, except when the combusting or vaporizing material contains no tobacco, nicotine, or cannabis and the purpose of inhalation is solely olfactory, such as, for example, smoke from incense. The term "smoke" includes, but is not limited to, tobacco smoke, vapors from an electronic smoking device, and the smoke of cannabis or any other like substance.

AB. "Smoking" includes the smoke of a pipe, cigar, cigarette means inhaling, exhaling, burning, or carrying any lighted, heated, or other like substances, lighting such a substance, and/or carrying a burning pipe, ignited cigar, cigarette, cigarillo, pipe, hookah, electronic smoking device, or plant product, or using any other method or device that delivers nicotine, cannabis or other like substances of any kind to a person.

~~B~~C. "Building proprietor" means the designated department which has full authority and responsibility for overseeing the provision of services for the operation and maintenance of a single- or multi-tenant eCounty building and grounds.

D. "Cannabis" has the meaning set forth in California Business and Professions Code section 26001, as that section may be amended from time to time.

E. "Electronic smoking device" means an electronic device which can be used to deliver an inhaled dose of nicotine, cannabis, or other substances, including any component, part, or accessory of such a device, whether or not sold separately. The term "electronic smoking device" includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, electronic cigar or cigarillo, electronic pipe, electronic hookah, or any other product name or descriptor.

SECTION 2. Section 2.126.040 is hereby amended to read as follows:

2.126.040 Smoking ~~p~~Prohibited in eCounty ~~f~~Facilities and ~~v~~Vehicles.

A. ~~Except as provided in this eChapter 2.126 or as otherwise expressly provided by lease or other written agreement approved by the board of supervisors after February 21, 1992, the effective date of the ordinance codified in this section, all portions of eCounty-owned facilities and all portions of facilities leased by or from the eCounty, which areas are not open to the sky, shall be designated as "no smoking" areas.~~

B. ~~All eCounty vehicles, unless there are no passengers or all occupants approve of smoking, shall be designated as "no smoking" vehicles.~~

~~C. In exercising a proprietary departmental function related to the discretionary approval of a license or grant of temporary and private use of county-owned facilities, a department head or his/her authorized designee may grant an~~

~~exemption to the provisions of this chapter 2.126 during the period associated with the temporary use of the facility.~~

~~DC. This Chapter 2.126 shall not be applicable to eCounty-owned facilities leased from the eCounty prior to the effective date of the ordinance codified in this section February 21, 1992, until such time as the those existing leases expires and/or terminates in accordance with the those lease terms.~~

D. Smoking, including the use of electronic smoking devices, is prohibited in the following areas of County facilities:

1. Within 50 feet of any operable entry or exit door or operable window of any County building and within 25 feet of any access ramp or handicap path.

2. Within any County parking lot, parking structure, or parking garage, whether enclosed or open to the sky.

3. Within any driving range and eating area, including outdoor eating areas, of any County golf course.

SECTION 3. Section 11.15.020 is hereby amended to read as follows:

11.15.020 Definitions.

As used in this chapter:

A. "Smoke" means the gases, particles, or vapors released into the air as a result of combustion, electrical ignition, or vaporization, when the apparent or usual purpose of the combustion, electrical ignition, or vaporization is human inhalation of the byproducts, except when the combusting or vaporizing material contains no tobacco, nicotine, or cannabis and the purpose of inhalation is solely olfactory, such as, for example, smoke from incense. The term "smoke" includes, but is not limited to, tobacco

smoke, vapors from an electronic smoking device, and cannabis smoke or any other like substance.

AB. "Smoking" means ~~smoke of a pipe, inhaling, exhaling, burning, or carrying any lighted, heated, or ignited~~ cigar, cigarette, ~~cigarillo, pipe, hookah, electronic smoking device, or plant product, or using any other like substances, lighting such a substance, and/or carrying a burning pipe, cigar, cigarette~~ method or device that delivers nicotine, cannabis or any other like substances to a person.

C. "Cannabis" has the meaning set forth in California Business and Professions Code section 26001, as that section may be amended from time to time.

GD. "Electronic smoking device" means an electronic device which can be used to deliver an inhaled dose of nicotine, cannabis, or other substances, including any component, part, or accessory of such a device, whether or not sold separately. The term "electronic smoking device" includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, electronic cigar, or cigarillo, electronic pipe, electronic hookah or any other product name or descriptor.

BE. "Eating establishment" means any indoor or outdoor area that is designed, established, or regularly used for consuming food or drink and that is available to or customarily used by the general public or an employee. Eating establishment means any area included but not limited to a cafeteria, coffee shop, luncheonette, restaurant, sandwich shop, short order cafe, soda fountain, or other eating establishment which offers food for sale or drinks to the public and in which such food is primarily provided for consumption on the premises.

CE. "Bar" means any area of an eating establishment which is devoted to offering alcoholic beverages for sale to the public and in which the consumption of food is only

incidental to the consumption of such beverages and includes any outdoor area of the establishment set aside for use by patrons.

SECTION 4. Section 11.64.020 is hereby amended to read as follows:

11.64.020 Definitions.

As used in Section 11.64.010 through 11.64.070:

A. "Person" means any individual, firm, copartnership, joint venture, association, official group, fraternal organization, corporation, estate, trust, receiver, syndicate, or any other group or combination acting as a unit.

B. "Smoke" means the gases, particles, or vapors released into the air as a result of combustion, electrical ignition, or vaporization, when the apparent or usual purpose of the combustion, electrical ignition, or vaporization is human inhalation of the byproducts, except when the combusting or vaporizing material contains no tobacco, nicotine, or cannabis and the purpose of inhalation is solely olfactory, such as, for example, smoke from incense. The term "smoke" includes, but is not limited to, tobacco smoke, vapors from an electronic smoking device, and the smoke of cannabis or any other like substance.

~~BC. "Smoke" or "Smoking" means and includes the holding or carrying of inhaling, exhaling, burning or carrying any lighted pipe, lighted, heated or ignited cigar, or lighted cigarette, of any kind. of any kind, or the lighting of a pipe, cigar or cigarette, cigarillo, hookah, electronic smoking device, or plant products, or using any other method or device that delivers nicotine, cannabis or other like substances to a person.~~

D. "Cannabis" has the meaning set forth in California Business and Professions Code section 26001, as that section may be amended from time to time.

E. "Electronic smoking device" means an electronic device which can be used to deliver an inhaled dose of nicotine, cannabis, or other substance, including any component, part, or accessory of such a device, whether or not sold separately. The term "electronic smoking device" includes any such device, whether manufactured, distributed, marketed or sold as an electronic cigarette, electronic cigar or cigarillo, electronic pipe, electronic hookah or any other product name or descriptor.

SECTION 5. Section 11.64.030 is hereby amended to read as follows:

11.64.030 Smoking ~~p~~Prohibited in ~~d~~Designated ~~a~~Areas.

Smoking, ~~shall be prohibited~~ including the use of electronic smoking devices, or allowing smoking or the use of electronic smoking devices, is prohibited in the following places within the unincorporated area of the County of Los Angeles:

- A. Elevators open to the public;;
- B. Buses and bus stops;;
- C. Museums and libraries, ~~except that smoking will be allowed in that designated area commonly referred to as a lobby if such lobby is physically separated from the other public areas of the facility; this prohibition shall not apply to those rooms or portions of a museum or library which are not open to the public, or areas which are specifically designated for smoking;~~
- D. ~~Waiting rooms, sleeping rooms or public hallways~~ Any indoor area of every private or public health-care facility, including but not limited to hospitals; ~~provided further, that this prohibition shall not prevent the establishment of a separate waiting room in which~~ and all outdoor areas of County owned or operated healthcare facilities, ~~except that smoking is permitted as long as there also exists a waiting room in the same facility in which smoking is prohibited; this prohibition shall not apply to~~ by patients may

be allowed in designated outdoor patient rooms, or to business smoking areas of the
County owned or operated recuperative care facilities, facilities treating mental illness,
and long-term health care facilities, which are not open to the public; including those
defined in section 1250 of the Health and Safety Code, subject to the Director of the
County department responsible for the facility;

E. Within the public portion of any building, not open to the sky, which is primarily used for or designated for the purpose of exhibiting any motion picture, stage drama, lecture, musical recital, or other similar performance, whenever open to the public (except when smoking is a part of the performance itself), ~~and except that smoking will be allowed in that designated area commonly referred to as a lobby if such lobby is physically separated from the spectator area;~~

F. Within any meeting room, chamber or place of public assembly where public business is being conducted and which is open to members of the general public, either as participants or as spectators, ~~except that smoking will be allowed within a limited designated area or in a lobby.~~

G. Within any area of a public beach, ~~exclusive of~~ including parking areas designated for use by the public.

H. Within 40 feet of any mobile food or temporary food facility, including trucks and carts that serve food to patrons.

I. Within 25 feet of any outdoor area of an eating establishment or bar set aside for use by patrons.

SECTION 6. Section 17.04.645 is hereby amended to read as follows:

17.04.645 Smoking p~~r~~ohibited.

Smoking, including the use of electronic smoking devices, shall be prohibited at all parks, including parking areas designated for use by the public, except:

4A. Smoking shall be permitted by actors who are acting during a permitted production or by models during a permitted photography session, unless otherwise determined by the Director, in consultation with the applicable Fire Official; and.

2B. Smoking shall be permitted within contract-operated facilities, in designated areas, at the discretion of the Director, in consultation with the operators of said facilities.

SECTION 7. Section 17.12.365 is hereby amended to read as follows:

17.12.365 Smoking prohibited.

Consistent with Section 11.64.030(G) of this code, smoking shall be prohibited within any area of a public beach, ~~exclusive of~~ including parking areas designated for use by the public, within the unincorporated area of the eCounty.

SECTION 8. Section 19.12.1420 is hereby amended to read as follows:

19.12.1420 Unlawful acts at public areas.

At any public area within Marina del Rey Harbor as herein described, it is unlawful and a violation of this Part 9, except by written permission of the Director and/or Harbor Master for:

...

G. Any person to light or maintain any fire except within barbecues located at, or personal barbecues brought to, public picnic shelters, subject to Section 17.12.370 of this code with respect to any beach.

H. Any person to smoke at any park, including parking areas designated for use by the public, except:

———~~1. Smoking that smoking shall be permitted by actors while acting in a permitted production, or by models during a permitted photography session; and~~

~~2. Smoking shall be permitted in designated areas, at the discretion of the Director.~~

I. Except as otherwise authorized in Section 17.12.360 for the beaches in Marina del Rey, any person to change clothes at any public area or in any comfort station except in that portion, if any, designated for such purposes.

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