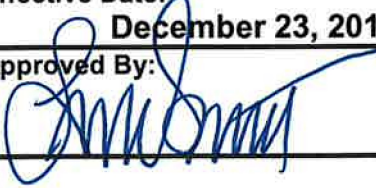




***County of Los Angeles***  
***Department of Human Resources***  
***POLICIES, PROCEDURES, AND GUIDELINES***

<b>Subject:</b>  <b>SMOKING IN COUNTY FACILITIES</b>	<b>Policy Number:</b> <b>616</b>	<b>Pages:</b> <b>4</b>
	<b>Effective Date:</b> <b>December 23, 2019</b>	
	<b>Approved By:</b> 	

**BACKGROUND**

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In accordance with County Code 2.126, *Smoking in County Facilities*, the Board of Supervisors finds and declares as follows:

- A. The Surgeon General of the United States has concluded that passive smoke exposure is the third leading cause of preventable death in the United States;
- B. The United States Environmental Protection Agency has found second-hand smoke to be a known carcinogen;
- C. It is recognized that the County has a responsibility to establish, maintain, and promote a healthful and safe working environment and to reduce health and safety risks of its employees and the public at large;
- D. Tobacco smoke is a hazard to the health of County employees and the general public and represents an annoyance which should be regulated and banned in all County facilities to the end that air quality in all such facilities be improved for the preservation and improvement of the health of all County employees and the public.

**POLICY**

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It is the policy of the County of Los Angeles that all County vehicles shall be designated as "no smoking" vehicles and all portions of County-owned facilities and all portions of facilities leased by or from the County, which are not open to the sky, shall be designated as "no smoking" areas.

In addition, smoking, including the use of electronic smoking devices, or allowing smoking or the use of electronic smoking devices, is prohibited in the following areas of County facilities:

- a) 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.

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- b) Within any County parking lot, parking structure, or parking garage, whether enclosed or open to the sky.
- c) Within all parks and any area of a public beach, including parking areas designated for use by the public.
- d) Within any indoor area of every private or public healthcare facility, including but not limited to hospitals; and all outdoor areas of County owned or operated healthcare facilities, except that smoking by patients may be allowed in designated outdoor patient smoking areas in County owned or operated recuperative care facilities, facilities treating mental illness, and long-term healthcare facilities, including those defined in the California Health and Safety code Section 1250, subject to the Director of the County department responsible for the facility.
- e) 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.
- f) Within any driving range and eating area, including outdoor eating areas, of any County golf course.
- g) Within 40 feet of any mobile food or temporary food facility, including trucks and carts that serve food to patrons.
- h) Within 25 feet of any outdoor area of an eating establishment or bar set aside for use by patrons.

## **DEFINITIONS**

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"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 or nicotine 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 like substance.

"Smoking" means 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 method or device that delivers nicotine, cannabis or other like substances to a person.

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"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 County building and grounds.

"Cannabis" has the meaning set forth in California Business and Professions Code Section 26001.

"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.

**GUIDELINES**

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The prohibition of smoking in County facilities does not take away individual’s right to smoke, but rather promotes a healthful and safe working environment. The County does not require employees, contract personnel or the public, to stop using smoking products. To the greatest extent possible, the rights and comfort of all employees shall be respected. Reasonable effort shall be made to provide smokers a place to smoke in areas open to the sky or otherwise located outside County facilities.

Departmental Provisions

**Pursuant to County Code 2.126 and 11.64:**

1. Each County department shall develop and adopt, and thereafter maintain, a policy to control smoking within its workplace. Nothing in this policy preempts more restrictive provisions already adopted by any line department of the County.
2. Notification of the department-specific policy (or this policy), shall be made to all employees, contract personnel, volunteers and lessees, as soon as adopted and to all new employees and contract personnel at the time of hire or assignment to a work location.
3. International no-smoking signs and other appropriate signs which designate no-smoking areas, shall be clearly, sufficiently, and conspicuously posted in every room, building, or other place so covered by this policy and County Code. The manner of such posting, including the wording, size, color, design and place of posting, whether on the walls, doors, tables, counters, stands or elsewhere, shall be at the discretion of the building proprietor so long as clarity, sufficiency and conspicuousness are apparent in communicating the intent of this policy and County Code. No person shall willfully mutilate or destroy any sign required by this policy or County Code.

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4. Supervisors and managers are responsible for ensuring enforcement when given notice of a violation of this policy.
5. Any County employee who fails to comply with this policy may be subject to disciplinary action and may constitute an infraction punishable by a fine. For contract employees, departments should report County policy violations to the contractor.

Any questions concerning this policy may be directed to the Department of Human Resources Departmental Support Division at (213) 351-8945.

## REFERENCES

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- Los Angeles County Code Chapter 2.126, *Smoking in County Facilities*
- Los Angeles County Code Chapter 11.64, *Smoking*
- Los Angeles County Code Chapter 17.04.645, *Park Rules and Regulations, Smoking Prohibited*
- Los Angeles County Code Chapter 17.12.365, *Beaches, Smoking Prohibited*
- Board of Supervisors' Policy 9.050, *Drug Free Workplace Program*
- California Business and Professions Code Section 26001
- California Labor Code Section 6404.5

## DATE ISSUED/REVIEW DATE

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Issue Date: December 23, 2019