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COUNTY OF SAN DIEGO

INTER-DEPARTMENTAL CORRESPONDENCE

August 9, 1993

TO: John Sweeten, Director
Office of Intergovernmental Affairs (A247)

FROM: County Counsel (A12)

RE: Proposed Bill Regulating Smoking

You have asked us to review the proposed bill "to determine its impact, if any, on the County's smoking ordinance."

Pursuant to section 10 of the proposed bill, the Legislature's intent is to occupy the field of smoking regulation "to the exclusion of local action", provided, however, that the act will not supersede any local prohibition or limitation in effect on August 1, 1993, unless the prohibition or limitation is less restrictive than the corresponding prohibition or limitation imposed by the act.

The current County Smoking Ordinance is less restrictive than the proposed bill in the following areas:

1. The County ordinance allows 50% of a restaurant or employee cafeteria to be designed for smoking, compared to 30% in the proposed bill for restaurants and 25% in the proposed bill for employee cafeterias.

2. The proposed bill contains ventilation requirements for smoking spaces in restaurants, employee cafeterias, and private offices, which are not included in the County ordinance.

3. The proposed bill, unlike the County smoking ordinance, does not exempt private residences used as a child day care facility or health facility.

In most other respects, the proposed bill is not more restrictive than the County smoking ordinance. It should also be noted that the proposed bill deals with subjects not addressed in the County ordinance, such as vending machines, billboards, and point-of-sale training and notification in respect to sales to minors.

LLOYD M. HARMON, JR., County Counsel

By Arne Hansen
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AH:clc
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