

San Mateo County Jurisdiction Smoking Policies --- Last Updated: February 5, 2015

Click the underlined jurisdiction name with a "" symbol to access the jurisdiction's Smoking or Tobacco Retail Permit Policy.*

<p><u>PARKS</u></p> <ul style="list-style-type: none"> • <u>Atherton (rooms in parks)*</u> • <u>Belmont*</u> • <u>Burlingame</u> • <u>Daly City*</u> • <u>Menlo Park*</u> • <u>South San Francisco*</u> • <u>Unincorporated Areas*</u> 	<p><u>BEACHES</u></p> <ul style="list-style-type: none"> • <u>Daly City</u> • <u>Pacifica*</u> • <u>Unincorporated Areas</u> 	<p><u>SPORTS FIELDS, ACTIVITIES, AND OTHER CITY EVENTS</u></p> <ul style="list-style-type: none"> • <u>Belmont</u> • <u>Burlingame</u> • <u>Daly City</u> • <u>Foster City (enclosed sports arenas and convention halls)</u> • <u>Hillsborough (enclosed meeting/public assembly place)*</u> • <u>Millbrae (enclosed)*</u> • <u>Redwood City (enclosed)*</u> • <u>San Carlos (enclosed)</u> • <u>San Mateo (enclosed)</u> • <u>South San Francisco</u> 	<p><u>HOTELS/MOTELS</u></p> <ul style="list-style-type: none"> • <u>Belmont (not restricted in up to 10% of hotel and motel guest rooms)</u> • <u>Burlingame (meeting/banquet rooms or during food or beverage functions or exhibit purposes)</u> • <u>Daly City (not restricted in up to 10% of hotel and motel guest rooms)</u> • <u>East Palo Alto (not more than 50% of lobby/registration area)</u> • <u>Foster City (at least 50% of rooms)</u> • <u>Menlo Park (common areas of single room occupancy hotels)</u> • <u>Millbrae (enclosed and at least 51% lodging rooms)</u> • <u>Redwood City (enclosed public places and meeting rooms. Smoking not regulated in rooms rented to guests)</u> • <u>San Carlos (enclosed public places)</u> • <u>San Mateo (public places and at least 50% lodging rooms)</u> • <u>South San Francisco (smoking permitted in up to 65%)</u>
<p><u>MULTI-UNIT RESIDENCE COMMON AREAS</u></p> <ul style="list-style-type: none"> • <u>Belmont</u> • <u>Burlingame*</u> • <u>Daly City</u> • <u>East Palo Alto (elevators)*</u> • <u>Foster City</u> • <u>Menlo Park</u> • <u>San Carlos*</u> • <u>Unincorporated Areas</u> • <u>South San Francisco</u> • <u>Woodside*</u> 	<p><u>OUTDOOR EATING AREA</u></p> <ul style="list-style-type: none"> • <u>Belmont</u> • <u>Daly City</u> • <u>Foster City (50%)*</u> • <u>Menlo Park</u> • <u>San Mateo*</u> • <u>South San Francisco (on City-owned property if designated by City Manager)</u> 	<p><u>TICKET AREA, INDOOR OR SHELTERED BOARDING, WAITING AREAS OF PUBLIC TRANSIT DEPOTS</u></p> <ul style="list-style-type: none"> • <u>Belmont</u> • <u>Burlingame (enclosed)</u> • <u>Daly City</u> • <u>Foster City (enclosed)</u> • <u>Menlo Park</u> • <u>Millbrae (enclosed)</u> • <u>Redwood City (maximum 50% waiting area as smoking area and separate waiting areas of equal size for smokers and nonsmokers)</u> • <u>San Carlos</u> • <u>San Mateo (enclosed)</u> • <u>Woodside (enclosed)</u> 	<p><u>TOBACCO RETAIL PERMIT</u></p> <ul style="list-style-type: none"> • <u>Brisbane*</u> • <u>Colma*</u> • <u>Daly City*</u> • <u>East Palo Alto*</u> • <u>Menlo Park*</u> • <u>Millbrae*</u> • <u>Pacifica*</u> • <u>Portola Valley*</u> • <u>Redwood City*</u> • <u>San Bruno*</u> • <u>San Carlos*</u> • <u>San Mateo*</u> • <u>Unincorporated Areas*</u> • <u>South San Francisco*</u>
<p><u>INDIVIDUAL UNITS IN MULTI-UNIT HOUSING</u></p> <ul style="list-style-type: none"> • <u>Belmont (share floor or ceiling)</u> • <u>Daly City (condos exempt)</u> • <u>Foster City</u> • <u>Unincorporated Areas</u> 	<p><u>TOBACCO RETAIL PERMIT</u></p> <ul style="list-style-type: none"> • <u>Brisbane*</u> • <u>Colma*</u> • <u>Daly City*</u> • <u>East Palo Alto*</u> • <u>Menlo Park*</u> • <u>Millbrae*</u> • <u>Pacifica*</u> • <u>Portola Valley*</u> • <u>Redwood City*</u> • <u>San Bruno*</u> • <u>San Carlos*</u> • <u>San Mateo*</u> • <u>Unincorporated Areas*</u> • <u>South San Francisco*</u> 	<p><u>CHEMICAL STORAGE AREAS</u></p> <ul style="list-style-type: none"> • <u>Atherton</u> 	<p><u>SERVICE LINES</u></p> <ul style="list-style-type: none"> • <u>Belmont</u> • <u>Burlingame (indoor service lines)</u> • <u>Daly City</u> • <u>East Palo Alto (enclosed business establishments)</u> • <u>Foster City (indoor service lines)</u> • <u>Hillsborough</u> • <u>Menlo Park</u> • <u>Millbrae (enclosed)</u> • <u>Redwood City (enclosed)</u> • <u>San Carlos (enclosed)</u> • <u>San Mateo (enclosed)</u> • <u>Woodside (enclosed)</u>
<p><u>E-CIGARETTES</u></p> <ul style="list-style-type: none"> • <u>Daly City</u> • <u>Foster City</u> • <u>South San Francisco (City properties and Grand Ave.)</u> • <u>Unincorporated Areas</u> 	<p><u>SIDEWALKS</u></p> <ul style="list-style-type: none"> • <u>Foster City (all sidewalks except those adjacent to single-family homes)</u> 		

States and Municipalities with Laws Regulating Use of Electronic Cigarettes

As of October 2, 2015

The following list includes states and municipalities with laws currently in effect that regulate where use of electronic cigarettes (e-cigarettes) is prohibited. E-cigarettes are battery-powered devices that are designed to mimic cigarettes by vaporizing a nicotine-laced liquid that is inhaled by the user. The use of e-cigarettes in workplaces and public places is a significant public health concern, not only because of their unregulated constituents and the potential health impact of the vapor on users and bystanders, but also because e-cigarette use causes public confusion as to where smoking is allowed, resulting in compliance problems with smokefree laws.

Most local and state smokefree laws were enacted before e-cigarettes were on the market, so while such laws do not explicitly mention e-cigarettes, it should not be assumed that their use is permitted. Existing smokefree laws are often interpreted to prohibit e-cigarette use in their smokefree provisions.

NOTE: In the 100% Smokefree Venues column, the following abbreviations are used: W=non-hospitality workplaces; R=restaurants; B=bars; G=gambling facilities.

For more information, please visit [ANR's e-cigarettes page](#).

Please note, this document shows the number of places, not the number of laws. Some places have multiple laws. Please visit our [lists page](#) to see information by law in chart format.

State Laws Regulating Use of E-cigarettes

State Laws Restricting E-cigarette Use in 100% Smokefree Venues

Other state laws that do not explicitly address e-cigarettes might be interpreted as prohibiting the use of e-cigarettes in existing smokefree provisions.

State	100% Smokefree Venues in Which Use of E-cigarettes Prohibited	Use of E-cigarettes Specifically Permitted	Permitted In:
1. Connecticut	RBG	No	
2. Maine	WRB	No	
3. North Dakota	WRBG	No	
4. New Jersey	WRB	No	
5. Utah	WRB	Yes	Retailers that sell e-cigarettes, until 7/1/17.

Note: State laws restricting e-cigarette use in 100% smokefree venues that have passed but are not yet in effect are the following: **Delaware**, WRBG, effective 10/15/15; **Hawaii**, WRB, effective 1/1/16; **Oregon**, WRBG, effective 1/1/16.

State Laws Regulating E-cigarette Use in Other Venues

State	Prohibited In:	Use of E-cigarettes Specifically Permitted	If Partial, Permitted In:
1. Arkansas	Use of e-cigarettes prohibited on school district property.	No	
2. California	Smoking, including use of e-cigarettes, prohibited at Orange County Fair, including amphitheater, grandstand, and bleacher seating areas.	No	
3. Colorado	Definition of tobacco product for purposes of prohibition of use on school property amended to include e-cigarettes, unless approved by FDA as cessation devices.	No	
4. Delaware	Tobacco use, including use of e-cigarettes and hookahs, prohibited in all State workplaces, including all buildings, facilities, indoor and outdoor spaces and surrounding grounds, as well as parking lots and state vehicles operated on State workplace property.	No	
5. Georgia	Tobacco use, including use of e-cigarettes and hookahs, prohibited everywhere on campuses of University System of Georgia, with limited exceptions for educational purposes and research.	No	
6. Illinois	As of 7/1/15, smoking, including use of e-cigarettes, prohibited on all campuses of State-supported institutions of higher education, including buildings, grounds, parking lots, and vehicles owned by institutions. Enclosed research laboratories are exempt.	No	
7. Kansas	Tobacco use, including use of e-cigarettes, prohibited on all Dept. of Corrections property and grounds, by both employees and inmates. Per opinion of Attorney General, Indoor Clean Air Act of 2010 does not apply to e-cigarettes.	Partial	All places where smoking is prohibited per 3/12/10 law, including workplaces, restaurants, bars, gambling facilities, and public places generally.

State	Prohibited In:	Use of E-cigarettes Specifically Permitted	If Partial, Permitted In:
8. Kentucky	Tobacco use, including use of e-cigarettes, prohibited on all properties of State Executive Branch, including buildings, vehicles, and land, but excluding specific outdoor areas such as parks, Kentucky Horse Park, and Kentucky State Fairgrounds. Per Governor's Office, does not apply to State colleges and universities.	No	
9. Maryland	Smoking, including use of e-cigarettes prohibited on MARC commuter rail system trains.	No	
10. Minnesota	Use of e-cigarettes prohibited in State and local government buildings, facilities of State colleges and universities, facilities licensed by Commissioner of Human Services, and facilities licensed by Commissioner of Health.	No	
11. New Hampshire	Use of e-cigarettes prohibited in public educational facilities and on grounds thereof.	No	
12. Oklahoma	Tobacco use, including use of e-cigarettes, prohibited in all Dept. of Corrections facilities, including vehicles and grounds.	No	
13. South Dakota	Tobacco use, including use of e-cigarettes, prohibited in Dept. of Corrections facilities and on grounds thereof, by both employees and inmates.	No	
14. Virginia	Smoking, including use of e-cigarettes, prohibited on Virginia Railway Express trains and limited to 100 feet on north end of station platforms.	No	
15. Vermont	Smoking, including use of e-cigarettes, prohibited on school grounds and at child care facilities, both indoors and outdoors.	No	
16. Wisconsin	Smoking, including use of e-cigarettes, prohibited at indoor facilities of State Fair and at main stage area.	No	

Local Laws Regulating Use of E-cigarettes

Laws Restricting E-cigarette Use in 100% Smokefree Venues

Note: The jurisdiction(s) affected by county-level laws vary widely. Look for a plus symbol (+) next to each county with a law that includes both incorporated and unincorporated areas. A county without a symbol means that the county law covers unincorporated areas only.

State	City/County	100% Smokefree Venues in Which Use of E-cigarettes Prohibited	Use of E-cigarettes Specifically Permitted	If Partial, Permitted In:
1. AK	Dillingham	RB	No	
2. AK	Juneau	RBG	No	
3. AK	Palmer	WRB	No	
4. AL	Anniston	WRBG	No	
5. AL	Bessemer	WRG	No	
6. AL	Clay	WRBG	No	
7. AL	Creola	WRBG	No	
8. AL	Foley	WRG	No	
9. AL	Fultondale	WRBG	No	
10. AL	Gadsden	WRBG	No	
11. AL	Midfield	WRBG	No	
12. AL	Monroeville	WRBG	No	
13. AL	Opelika	WR	No	
14. AL	Troy	WRBG	No	
15. AL	Vestavia Hills	WRBG	No	
16. AZ	Coconino County	WR	No	
17. AZ	Tempe	WRB	No	
18. CA	Arcata	WRB	No	
19. CA	Artesia	RB	Partial	E-cigarette retailers.
20. CA	Berkeley	WRBG	No	
21. CA	Beverly Hills	RBG	No	
22. CA	Calabasas	WRBG	No	
23. CA	Camarillo	W	No	
24. CA	Campbell	RBG	No	
25. CA	Capitola	WG	No	
26. CA	Carlsbad	RBG	No	
27. CA	Chico	WRB	No	
28. CA	Contra Costa County	WRBG	No	
29. CA	Corte Madera	WRB	No	
30. CA	Daly City	WRBG	No	

31. CA	Davis	WRBG	No	
32. CA	Del Mar	WRB	No	
33. CA	Dixon	RBG	No	
34. CA	Dublin	RBG	No	
35. CA	El Cajon	RBG	No	
36. CA	El Cerrito	WRBG	No	
37. CA	Eureka	WRBG	No	
38. CA	Fairfax	WRBG	No	
39. CA	Folsom	RBG	No	
40. CA	Foster City	RB	No	
41. CA	Fremont	WRB	No	
42. CA	Garden Grove	RBG	No	
43. CA	Goleta	RB	No	
44. CA	Hayward	RB	No	
45. CA	Laguna Hills	WRBG	No	
46. CA	Lemon Grove	RBG	No	
47. CA	Lompoc	RB	No	
48. CA	Long Beach	WRBG	No	
49. CA	Los Angeles	RBG	Partial	Retail e-cigarette stores and theatrical production sites.
50. CA	Mammoth Lakes	WRBG	No	
51. CA	Manhattan Beach	WRBG	No	
52. CA	Marin County	WRB	Partial	Individual apartment units in multi-unit residences.
53. CA	Mill Valley	WRB	No	
54. CA	Morgan Hill	WRB	No	
55. CA	Mountain View	WRB	No	
56. CA	Oroville	W	No	
57. CA	Paradise	WRB	No	
58. CA	Petaluma	W	No	
59. CA	Pico Rivera	RBG	No	
60. CA	Pittsburg	RBG	No	
61. CA	Pleasant Hill	WRBG	No	
62. CA	Pleasanton	WRB	No	
63. CA	Rancho Cordova	WRBG	No	
64. CA	Richmond	WRBG	No	
65. CA	San Anselmo	WRB	No	
66. CA	San Bernardino County	W	No	

67. CA	San Diego	WRBG	Partial	Designated areas of Petco Park and Qualcomm Stadium; e-cigarette lounges and shops.
68. CA	San Diego County	RBG	No	
69. CA	San Francisco	WRB	No	
70. CA	San Luis Obispo	WRBG	No	
71. CA	San Mateo County	W	No	
72. CA	Santa Barbara County	W	No	
73. CA	Santa Clara	WR	No	
74. CA	Santa Clara County	WRB	No	
75. CA	Santa Cruz	WG	No	
76. CA	Santa Maria	RB	No	
77. CA	Santa Monica	WRB	Partial	Two existing e-cigarette lounges/businesses.
78. CA	Santa Rosa	WRBG	Partial	Existing retail tobacco stores and new retail tobacco stores that are freestanding.
79. CA	Scotts Valley	WR	No	
80. CA	Seal Beach	RBG	No	
81. CA	Sebastopol	WRBG	No	
82. CA	Shasta County	WRB	No	
83. CA	Solana Beach	RB	No	
84. CA	Solano County	W	No	
85. CA	Solvang	RB	No	
86. CA	Sonoma County	WRBG	No	
87. CA	Temecula	WRBG	No	
88. CA	Tiburon	WRB	No	
89. CA	Union City	WRB	No	
90. CA	Ventura	RBG	No	
91. CA	Walnut Creek	RBG	No	
92. CA	Watsonville	WG	No	
93. CO	Arvada	WRB	Partial	Theatrical productions; specialty vaping stores.
94. CO	Boulder	WRB	No	
95. CO	Breckenridge	RBG	No	
96. CO	Brighton	RBG	No	
97. CO	Edgewater	WRBG	No	
98. CO	Evans	RBG	No	

99.	CO	Fort Collins	WRB	No	
100.	CO	Frisco	RB	No	
101.	CO	Golden	RB	No	
102.	CO	Greeley	RB	No	
103.	CO	Lafayette	RB	No	
104.	CO	Lakewood	RBG	No	
105.	CO	Louisville	RB	Partial	Retail e-cigarette stores.
106.	FL	Alachua County	WRG	No	
107.	FL	Archer	WRG	No	
108.	FL	Bellevue	WRG	No	
109.	FL	Boca Raton	WRG	Partial	Wherever tobacco smoking is permitted by State law; retail e-cigarette shops.
110.	FL	Clay County	WR	No	
111.	FL	Delray Beach	WRG	Partial	Retail e-cigarette shops.
112.	FL	Gainesville	WRG	No	
113.	FL	Hawthorne	WRG	No	
114.	FL	High Springs	WRG	No	
115.	FL	Lighthouse Point	WRG	No	
116.	FL	Marion County	WRG	No	
117.	FL	Miami/Dade County	WRG	No	
118.	FL	Newberry	WRG	No	
119.	FL	Orange Park	WRG	No	
120.	FL	Port Saint Lucie	WRG	Partial	Retail e-cigarette stores.
121.	FL	Port St. Joe	WRG	No	
122.	FL	Vero Beach	WRG	Partial	Retail e-cigarette stores.
123.	FL	Waldo	WRG	No	
124.	GA	Chatham County	WRBG	No	
125.	GA	DeKalb County	W	No	
126.	GA	Pooler	WRBG	No	
127.	GA	Savannah	WRBG	No	
128.	HI	Hawaii County*	WRB	No	
129.	IA	Iowa City	WRB	No	
130.	ID	Ketchum	WRBG	No	
131.	IL	Arlington Heights	WR	No	
132.	IL	Chicago	WRBG	Partial	Theater performances; retail tobacco stores.

133.	IL	Deerfield	WRB	No	
134.	IL	DeKalb	WRB	No	
135.	IL	Elk Grove Village	WRB	No	
136.	IL	Evanston	WRB	No	
137.	IL	Naperville	WRBG	No	
138.	IL	Oak Park	WRB	No	
139.	IL	Ogle County*	WRBG	No	
140.	IL	Schaumburg	WRBG	No	
141.	IL	Skokie	WRBG	No	
142.	IL	Wilmette	WRBG	No	
143.	IN	Greenwood	W	No	
144.	IN	Indianapolis/Marion	WRB	No	
145.	KS	Kansas City/Wyandotte	WRBG	No	
146.	KS	Olathe	WRB	No	
147.	KS	Overland Park	WRBG	No	
148.	KS	Park City	WRB	No	
149.	KS	Topeka	WRB	No	
150.	KY	Bardstown	WRBG	No	
151.	KY	Berea	WRBG	No	
152.	KY	Danville	WRBG	No	
153.	KY	Glasgow	RBG	No	
154.	KY	Lexington/Fayette	WRBG	No	
155.	KY	Manchester	WRBG	No	
156.	KY	Morehead	WRB	No	
157.	KY	Richmond	WRBG	No	
158.	KY	Versailles	WRB	No	
159.	KY	Woodford County	WRB	No	
160.	LA	Abbeville	WRBG	No	
161.	LA	Cheneyville	WRBG	No	
162.	LA	Hammond	WRBG	No	
163.	LA	Monroe	WRBG	No	
164.	LA	New Orleans	WRBG	No	
165.	LA	Ouachita Parish	WRBG	No	
166.	LA	Sulphur	WR	No	
167.	LA	West Monroe	WRBG	No	
168.	MA	Acton	WRBG	No	
169.	MA	Adams	WRBG	No	

170.	MA	Amherst	WRBG	No	
171.	MA	Andover	WRBG	No	
172.	MA	Arlington	WRBG	No	
173.	MA	Athol	WRBG	No	
174.	MA	Auburn	WRBG	No	
175.	MA	Barre	WRBG	No	
176.	MA	Billerica	WRBG	No	
177.	MA	Bolton	WRBG	No	
178.	MA	Boston	WRB	No	
179.	MA	Bourne	WRB	No	
180.	MA	Bridgewater	WRBG	No	
181.	MA	Buckland	WRBG	No	
182.	MA	Burlington	WRBG	No	
183.	MA	Cambridge	WRB	Partial	Housing Authority developments (e-cigs); outdoor dining areas (e-cigs and hookahs).
184.	MA	Cohasset	WRBG	No	
185.	MA	Concord	WRBG	No	
186.	MA	Dartmouth	WRBG	No	
187.	MA	Dedham	WRB	No	
188.	MA	Deerfield	WRBG	No	
189.	MA	Dighton	WRBG	No	
190.	MA	Dover	RB	No	
191.	MA	Dracut	WRBG	No	
192.	MA	Eastham	WRBG	No	
193.	MA	Easthampton	WRBG	No	
194.	MA	Fairhaven	WRBG	No	
195.	MA	Fitchburg	WRBG	No	
196.	MA	Foxborough	WRBG	No	
197.	MA	Franklin	WRBG	No	
198.	MA	Gardner	WRBG	No	
199.	MA	Gill	WRBG	No	
200.	MA	Grafton	WRBG	No	
201.	MA	Granby	WRBG	No	
202.	MA	Great Barrington	WRBG	No	
203.	MA	Greenfield	WRBG	No	
204.	MA	Hamilton	WRBG	No	
205.	MA	Hatfield	WRBG	Partial	Smoking bars and hotels/motels.
206.	MA	Haverhill	WRBG	No	

207.	MA	Holyoke	WRBG	No	
208.	MA	Hubbardston	WRBG	No	
209.	MA	Hudson	WRBG	No	
210.	MA	Hull	WRBG	No	
211.	MA	Lee	WRBG	No	
212.	MA	Leicester	WRBG	No	
213.	MA	Lenox	WRBG	No	
214.	MA	Leominster	WRBG	No	
215.	MA	Leverett	WRBG	No	
216.	MA	Lynn	WRBG	No	
217.	MA	Lynnfield	WRBG	Partial	Stores that sell e-cigarettes.
218.	MA	Marblehead	WRBG	No	
219.	MA	Marlborough	WRBG	No	
220.	MA	Marshfield	WRBG	No	
221.	MA	Mashpee	WRBG	No	
222.	MA	Medway	WRBG	No	
223.	MA	Methuen	WRBG	No	
224.	MA	Milford	WRBG	No	
225.	MA	Montague	WRBG	No	
226.	MA	Needham	WRB	No	
227.	MA	New Bedford	WRBG	No	
228.	MA	Newburyport	WRBG	No	
229.	MA	Newton	WRBG	No	
230.	MA	North Andover	WRBG	No	
231.	MA	North Attleborough	WRBG	No	
232.	MA	North Reading	WRBG	No	
233.	MA	Northampton	WRBG	No	
234.	MA	Orange	WRBG	No	
235.	MA	Orleans	WRBG	No	
236.	MA	Oxford	WRBG	No	
237.	MA	Pittsfield	WRBG	No	
238.	MA	Plainville	WRBG	No	
239.	MA	Provincetown	WRBG	No	
240.	MA	Salem	WRBG	No	
241.	MA	Saugus	WRBG	No	
242.	MA	Sharon	WRBG	No	
243.	MA	Shelburne	WRB	No	
244.	MA	Sherborn	WRBG	No	

245.	MA	Somerset	WRBG	No	
246.	MA	South Hadley	WRBG	No	
247.	MA	Stockbridge	WRBG	No	
248.	MA	Sunderland	WRBG	No	
249.	MA	Sutton	WRBG	No	
250.	MA	Swampscott	WRBG	No	
251.	MA	Taunton	WRBG	No	
252.	MA	Tewksbury	WRBG	No	
253.	MA	Townsend	WRBG	No	
254.	MA	Wakefield	WRBG	No	
255.	MA	Watertown	WRB	No	
256.	MA	Wayland	WRBG	No	
257.	MA	Webster	WRBG	No	
258.	MA	Wendell	WRBG	No	
259.	MA	West Springfield	WRBG	No	
260.	MA	Westminster	WRBG	No	
261.	MA	Westport	WRBG	No	
262.	MA	Westwood	WRBG	No	
263.	MA	Weymouth	WRBG	No	
264.	MA	Whately	WRBG	No	
265.	MA	Williamstown	WRB	No	
266.	MA	Winchendon	WRBG	No	
267.	MA	Winchester	WRBG	No	
268.	MD	Baltimore	W	Partial	Restaurants, bars, video lottery facilities, retail e-cigarette stores.
269.	MD	Montgomery County	RB	No	
270.	MI	Washtenaw County [†]	W	No	
271.	MN	Austin	WRB	Partial	Use of vaporized medical marijuana permitted wherever not prohibited by State law.
272.	MN	Beltrami County [†]	WRB	Partial	E-cigarette stores, for purpose of sampling non-nicotine substances.
273.	MN	Big Stone County	WRBG	No	
274.	MN	Bloomington	WRB	No	

275.	MN	Duluth	WRBG	No	
276.	MN	Eagle Lake	WRBG	No	
277.	MN	Eden Prairie	WRBG	No	
278.	MN	Edina	RBG	No	
279.	MN	Ely	WRBG	No	
280.	MN	Hennepin County [†]	WRBG	No	
281.	MN	Hermantown	WRBG	No	
282.	MN	Houston County	WRBG	No	
283.	MN	Isanti	WRBG	No	
284.	MN	Jordan	RBG	Partial	Retail e-cigarette stores.
285.	MN	Lakeville	WRBG	No	
286.	MN	Mankato	WRB	No	
287.	MN	Marshall County [†]	WRB	No	
288.	MN	Minneapolis	WRBG	No	
289.	MN	Moorhead	WRBG	No	
290.	MN	North Mankato	WRBG	No	
291.	MN	Olmsted County [†]	WRB	Partial	Use of vaporized medical marijuana permitted wherever not prohibited by State law.
292.	MN	Orono	WRBG	No	
293.	MN	Savage	WRBG	No	
294.	MN	Sleepy Eye	WRBG	No	
295.	MN	St. Anthony	WRB	No	
296.	MN	St. Louis County	WRBG	No	
297.	MN	Waseca	WRBG	No	
298.	MO	Branson	WRB	No	
299.	MO	Clinton	WRB	No	
300.	MO	Columbia	RB	No	
301.	MO	Creve Coeur	WRB	No	
302.	MO	Gainesville	RB	No	
303.	MO	St. Joseph	WRBG	No	
304.	MO	Washington	WRBG	Partial	Testing of e-cigarettes in e-cigarette retail stores until 1/22/17.
305.	MS	Anguilla	WRBG	No	
306.	MS	Arcola	WRBG	No	
307.	MS	Baldwyn	WRBG	No	
308.	MS	Bassfield	WRBG	No	
309.	MS	Beulah	WRBG	No	

310.	MS	Brandon	WRBG	No	
311.	MS	Bruce	WRBG	No	
312.	MS	Byram	WRBG	No	
313.	MS	Calhoun City	WRBG	No	
314.	MS	Centreville	WRBG	No	
315.	MS	Coahoma County	WRB	No	
316.	MS	Courtland	WRBG	No	
317.	MS	Crawford	WRBG	No	
318.	MS	Duck Hill	WRBG	No	
319.	MS	Duncan	WRBG	No	
320.	MS	Durant	WRBG	No	
321.	MS	Ethel	WRBG	No	
322.	MS	Farmington	WRBG	No	
323.	MS	Fayette	WRBG	No	
324.	MS	Flowood	WRG	No	
325.	MS	Forest	WRBG	No	
326.	MS	Friars Point	WRBG	No	
327.	MS	Georgetown	WRBG	No	
328.	MS	Holly Springs	WRBG	No	
329.	MS	Indianola	WRBG	No	
330.	MS	Isola	WRBG	No	
331.	MS	Itta Bena	WRBG	No	
332.	MS	Iuka	WRBG	No	
333.	MS	Louisville	WRBG	No	
334.	MS	Magee	WRBG	No	
335.	MS	Mantachie	WRB	No	
336.	MS	Mendenhall	WRBG	No	
337.	MS	Monticello	RBG	No	
338.	MS	Moorhead	WRBG	No	
339.	MS	Nettleton	WRBG	No	
340.	MS	New Augusta	WRBG	No	
341.	MS	Petal	WRBG	No	
342.	MS	Pickens	WRBG	No	
343.	MS	Pittsboro	WRBG	No	
344.	MS	Plantersville	WRBG	No	
345.	MS	Prentiss	WRBG	No	
346.	MS	Rolling Fork	WRBG	No	
347.	MS	Saltillo	WRB	No	

348.	MS	Sidon	WRBG	No	
349.	MS	Sledge	WRBG	No	
350.	MS	Southaven	WRB	No	
351.	MS	State Line	WRBG	No	
352.	MS	Sumner	WRBG	No	
353.	MS	Tupelo	WRB	Yes	
354.	MS	Tutwiler	WRBG	No	
355.	MS	Walnut	WRBG	No	
356.	MS	Walnut Grove	WRBG	No	
357.	MS	Weir	WRBG	No	
358.	MS	Wesson	WRBG	No	
359.	MS	Woodville	WRBG	No	
360.	MT	Lewis and Clark County	WRBG	No	
361.	ND	Bismarck	WRBG	No	
362.	ND	Dickinson	WRBG	No	
363.	ND	Walhalla	WRBG	No	
364.	ND	Williston	WRBG	No	
365.	NJ	Newark	WRBG	No	
366.	NM	Carlsbad	W	No	
367.	NM	Santa Fe	WRB	No	
368.	NY	Cattaraugus County	RBG	No	
369.	NY	Lynbrook	RB	No	
370.	NY	New York City	WRB	Partial	Retail e-cigarette stores.
371.	NY	Suffolk County ⁺	WRB	No	
372.	NY	Tompkins County ⁺	WRB	No	
373.	NY	Westchester County ⁺	WRB	No	
374.	OH	Bexley	WRB	No	
375.	OH	Oberlin	WRB	No	
376.	OR	Benton County	WRB	No	
377.	OR	Corvallis	WRB	No	
378.	OR	Cottage Grove	WRBG	No	
379.	PA	Philadelphia	WRB	Partial	Specialty e-cigarette establishments; tobacco products distribution businesses.
380.	SC	Denmark	WRB	No	
381.	SC	Estill	WRBG	No	
382.	SC	Hartsville	WRB	No	
383.	SC	Inman	WRB	No	
384.	SC	West Pelzer	WRB	No	
385.	SC	Yemassee	WRB	No	

386.	TX	Bedford	R	No	
387.	TX	Boerne	R	No	
388.	TX	Bonham	RB	No	
389.	TX	Burkburnett	WRB	No	
390.	TX	Denton	WRB	No	
391.	TX	El Paso	WRB	No	
392.	TX	Frisco	WRB	No	
393.	TX	Georgetown	RB	Partial	Stand-alone vaping businesses.
394.	TX	Harlingen	WRBG	No	
395.	TX	Highland Village	WR	No	
396.	TX	Joshua	WRB	No	
397.	TX	Lufkin	WRBG	No	
398.	TX	San Angelo	WRB	No	
399.	TX	San Marcos	WRB	No	
400.	TX	Sherman	RB	No	
401.	TX	Socorro	WRB	No	
402.	TX	Waxahachie	WRBG	No	
403.	TX	Weatherford	R	No	
404.	TX	Wichita Falls	WRB	No	
405.	UT	Davis County	WRB	Partial	Retailers that sell e-cigarettes, until 7/1/17.
406.	WA	Grant County	WRBG	Partial	Retail e-cigarette stores.
407.	WA	King County*	WRBG	No	
408.	WA	Pasco	WRBG	No	
409.	WI	Ashwaubenon	WRBG	No	
410.	WI	Florence County*	WRBG	No	
411.	WI	Greenfield	WRBG	No	
412.	WI	Janesville	WRBG	Partial	Retail e-cigarette stores.
413.	WI	Jefferson County	WRBG	No	
414.	WI	Madison	WRB	Partial	E-cigarette stores.
415.	WI	Onalaska	WRBG	No	
416.	WV	Barbour County*	WRBG	No	
417.	WV	Berkeley County*	WRBG	No	
418.	WV	Brooke County*	WRBG	No	
419.	WV	Calhoun County*	WRBG	No	
420.	WV	Grant County*	WRBG	No	
421.	WV	Greenbrier County*	WRBG	No	
422.	WV	Hancock County*	WRBG	No	
423.	WV	Lewis County*	WRBG	No	

424.	WV	Marshall County*	W	No	
425.	WV	Mineral County*	WRBG	No	
426.	WV	Monroe County*	WRBG	No	
427.	WV	Morgan County*	WR	No	
428.	WV	Nicholas County*	WRBG	No	
429.	WV	Pleasants County*	WRBG	No	
430.	WV	Randolph County*	WRBG	No	
431.	WV	Ritchie County*	WRBG	No	
432.	WV	Roane County*	WRBG	No	
433.	WV	Taylor County*	WRBG	No	
434.	WV	Upshur County*	WRB	No	
435.	WV	Webster County*	WR	No	
436.	WV	Wirt County*	WRBG	No	
437.	WV	Wood County*	WRBG	No	
438.	WV	Wyoming County*	W	No	

*Law pertains to both incorporated and unincorporated areas of county.

Laws Currently in Effect

State Laws Restricting E-cigarette Use in 100% Smokefree Venues: 5

State Laws Restricting E-cigarette Use in Other Venues: 16

Local Laws Restricting E-cigarette Use in 100% Smokefree Venues: 438

In addition, 266 local laws restrict E-cigarette Use in Other Venues (not listed above)

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Organizations that Restrict Electronic Smoking Devices (e-cigarettes) in same manner as traditional Tobacco products*

*San Mateo Health System
CA Department of Education
Caltrain
San Mateo Department of Education
Cañada College
SamTrans
Bay Area Rapid Transit
AT&T Park
American Airlines
National Park Service
Universal Studios Hollywood
JetBlue Airlines
U.S. Army Workplaces
Ikea
Disneyland California Adventure
Amtrak
AMC Theaters
United Airlines
Home Depot
Kroger
GE
Target
US Navy facilities
San Diego Zoo
Japan Airlines
Quantico
Petco Park
Qualcomm Stadium
San Diego County Fair
Department of Transportation (in checked bags & use inside plane)
Disney Cruise Lines
University of California (all 10 campuses)
US Air Force (workplaces)
CVS (corporate offices)
British Airways
Wal-Mart
Starbucks*

*College of San Mateo
Brix and Stone Gastropub
DC Cupcakes
Legoland
In-N-Out Burger
J Alexander's Restaurant
Disneyland
Macaroni Grill
Red Robin
Six Flag's Magic Mountain
Wandos Bar & Grill
White Castle restaurant
SeaWorld
Peter Lugers Steakhouse
Auburn University
Delta Airlines
Honda Center
Carnival Cruise Lines
Harvard University
Stanford University
O.co Coliseum
Norwegian Cruise Lines
Levi's Stadium
Texas A& M University
Angel and Dodger Stadium
Towson University
Knott's Berry Farm
University of Alabama
Staples Center
University of Illinois
Southwest Airlines
KFC
University of Maryland
UPS
University of Michigan
Taco Bell
Golden Gate Ferries
Monterey Bay Aquarium*

*This list is not exhaustive and is a product of web-based searches during the week of 16-20 November 2015.

*SAP Center at San Jose
Kimbell Art Museum
University of North Carolina
University of Utah
USC
Yale University
Speedway Gas Station
Walgreens*

*CarMax
Exxon Mobile Corp.
Comfort Inn
Santa Barbara City College
AC Transit
San Jose State University
Georgia Tech*

Corporations that have tobacco free policies*

AstraZeneca

AT&T - All company owned buildings

BASF Corporation

Bristol-Myers Squibb

Calgon - Includes outdoor property

CarMax - Tobacco-free policy nationwide, includes e-cigarettes

Coca Cola

Eli Lilly and Company - Includes outdoor property

General Electric Company (GE) - All worksites are tobacco-free by March 2011

General Mills - Includes within 50' of buildings, in parking garages, and company vehicles as of December 31, 2002

Hain Celestial Foods

IBM

Johnson & Johnson - Transitioning to tobacco free campus' policy for worldwide locations

Lowe's Companies Inc.- September 2003

Marriot Hotels - Fall 2006. Smokefree policy applies to all Marriott brands in the U.S. and Canada, which covers more than 2,300 hotels, including Marriott, J.W. Marriott, Renaissance Hotel, Ritz-Carlson, Fairfield Inn, Courtyard by Marriott, Residence Inn, and Spring Hill Suites.

MCI Communications

Merck & Company

Nordstrom

Prudential Financial - Includes all subsidiaries

Regence Group - Has worksites in Oregon, Idaho, Utah and Washington, includes outdoor property

Sharper Image

State Farm Insurance Company - Includes all outdoor areas of State Farm-owned property nationwide

Target Corporation - Target does not sell tobacco products in any of its stores

Texas Instruments Inc.

USAA Insurance

Verizon

Westin Hotels and Resorts -

January 2006. Smokefree policy applies to all 77 hotels in the U.S., Canada, and the Caribbean. Westin locations in Scotland, Australia and Fiji are also now smokefree.

Bechtel – tobacco free policy in US facilities

BF Goodrich Tire Manufacturing

Boeing

Dow Chemical

Dupont Chemical

Electric Boat

Marcal Paper

Tyson Foods

Union Pacific

*This list is not exhaustive and is a product of web-based searches during the week of 16-20 November 2015.

APPENDIX OF STUDIES, SURVEYS AND OTHER MATERIALS REFERENCED IN PROPOSED FINDINGS

WHEREAS, the Council has reviewed the findings that San Mateo County made to support the County's smoking, vaporizing and tobacco-related regulations and finds it appropriate to rely on the research and facts set forth in the County's findings, as well as additional research and facts that have been provided to the City, to support smoking, electronic cigarette and tobacco-related regulations in the City of Brisbane;

WHEREAS, tobacco use causes death and disease and continues to be an urgent public health threat, as evidenced by the following:

- Tobacco-related illness is the leading cause of preventable death in the United States, accounting for about 480,000 deaths each year¹; and
- Scientific studies have concluded that tobacco use can cause chronic lung disease, coronary heart disease, and stroke, in addition to cancer of the lungs, larynx, esophagus, and mouth¹; and
- Some of the most common types of cancers, including stomach, liver, uterine, cervix, and kidney cancers, are related to tobacco use¹; and
- The FDA identifies 93 chemicals and chemical compounds found in tobacco products and tobacco smoke as a harmful or potentially harmful carcinogens, respiratory toxicants,

¹ U.S. Department of Health and Human Services. *The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General*. Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2014 [accessed 2015 Oct 5].

cardiovascular toxicants and/or reproductive or developmental toxicants²; and

- According to the Centers for Disease Control and Prevention, tobacco smoke contains “a deadline mix of more than 7,000 chemicals,” including hundreds of toxic chemicals such as formaldehyde, benzene, polonium 210, vinyl chloride, chromium, arsenic, lead, cadmium, carbon monoxide, hydrogen cyanide, ammonia, butane and toluene¹; and
- Nicotine is a highly addictive neurotoxin contained in tobacco, and is included in the Proposition 65 list of Chemicals Known to the State to Cause Cancer or Reproductive Toxicity³; and
- Nicotine is known to cause birth defects and is particularly dangerous for vulnerable populations including children, pregnant women and people with cardiovascular conditions¹; and

WHEREAS, secondhand smoke has been repeatedly identified as a health hazard, as evidenced by the following:

- The U.S. Surgeon General concluded that there is no risk-free level of exposure to secondhand smoke⁴; and
- The California Air Resources Board placed secondhand smoke in the same category as the most toxic automotive and industrial air

² U.S Food and Drug Administration. *Harmful and Potentially Harmful Constituents in Tobacco Products and Tobacco Smoke: Established List*. Rockville. U.S Food and Drug Administration. <http://www.fda.gov/TobaccoProducts/GuidanceComplianceRegulatoryInformation/ucm297786.htm>. Accessed 21 November 2015.

³ Chemicals known to the state to cause cancer or reproductive toxicity. State of California Environmental Agency Office of Health Hazard Assessment Safe Drinking Water and Toxic Enforcement Act of 1986. 2015. Available at: www.oehha.ca.gov/prop65/prop65_list/files/P65single012315.pdf.

⁴ *The Surgeon General's Report on The Health Consequences of Involuntary Exposure to Tobacco Smoke* Available at: http://www.cdc.gov/tobacco/data_statistics/sgr/2006/pdfs/no-risk-free.pdf. Accessed 21 November 2015

pollutants by categorizing it as a toxic air contaminant for which there is no safe level of exposure⁵; and

- The California Environmental Protection Agency included secondhand tobacco smoke on the Proposition 65 list of chemicals known to the state of California to cause cancer, birth defects, and other reproductive harm³; and

WHEREAS, exposure to secondhand tobacco smoke causes death and disease, as evidenced by the following:

- Since 1964, approximately 2,500,000 nonsmokers have died from health problems caused by exposure to secondhand smoke⁶; and
- Exposure to secondhand smoke increases the risk of coronary heart disease by approximately thirty percent⁷; and
- Secondhand smoke exposure causes lower respiratory tract infections, such as pneumonia and bronchitis in as many as 300,000 children in the United States under the age of 18 months each year⁸, and exacerbates childhood asthma⁹; and

⁵ Resolution 06-01, Cal. Air Resources Bd. (2006) at 5. Available at: www.arb.ca.gov/regact/ets2006/res0601.pdf; See California Environmental Protection Agency, Air Resources Board. *News Release, California Identifies Secondhand Smoke as a "Toxic Air Contaminant."* Jan. 26, 2006. Available at: www.arb.ca.gov/newsrel/nr012606.htm.

⁶ US Department of Health and Human Services, Centers for Disease Control and Prevention. *Fact Sheet – Secondhand Smoke Facts*. 2015. Available at:

http://www.cdc.gov/tobacco/data_statistics/fact_sheets/secondhand_smoke/general_facts/

⁷ Barnoya, J and Glantz, S. "Cardiovascular Effects of Secondhand Smoke: Nearly as Large as Smoking." *Circulation*, 111: 2684-2698, 2005. Available at: www.circ.ahajournals.org/cgi/content/full/111/20/2684.

⁸ US Department of Health and Human Services, Centers for Disease Control and Prevention. *Targeting Tobacco Use: The Nation's Leading Cause of Preventable Death*. 2008, p. 2. Available at: www.cdc.gov/nccdphp/publications/aag/pdf/osh.pdf.

⁹ US Department of Health and Human Services, Centers for Disease Control and Prevention. *Fact Sheet – Secondhand Smoke*. 2006. Available at:

www.cdc.gov/tobacco/data_statistics/fact_sheets/secondhand_smoke/general_facts/index.htm.

WHEREAS, tobacco use and exposure to secondhand tobacco smoke impose great economic costs, as evidenced by the following:

- Smoking-related illness in the United States costs more than \$300 billion each year, nearly \$170 billion of these costs are for direct medical care for adults, and more than \$156 billion of these costs are for lost productivity, including \$5.6 billion in lost productivity due to secondhand smoke exposure¹⁰; and
- The total annual cost of smoking in California was estimated at \$487 per resident or \$4,603 per smoker per year, for a total of nearly \$18.1 billion in smoking-related costs in 2009 alone¹¹; and
- California's Tobacco Control Program saved the state and its residents \$134 billion in health care expenditures between the year of its inception, 1989, and 2008, with savings growing yearly¹²; and

WHEREAS, smoking is the primary cause of fire-related injuries and deaths in the home, as evidenced by the following:

- Cigarettes, cigars, pipes and other smoking materials are the leading cause of fire deaths in the United States¹³, causing an

¹⁰ U.S Department of Health and Human Services, Centers for Disease Control and Prevention. Factsheet- Economic Facts About U.S. Tobacco Production and Use. 2015. Available at:

http://www.cdc.gov/tobacco/data_statistics/fact_sheets/economics/econ_facts/

¹¹Max W, Sung H-Y, Shi Y, & Stark B. The Cost of Smoking in California, 2009. San Francisco, CA: Institute for Health & Aging, University of California, San Francisco, 2014., p. 7. Available at: <http://www.trdrp.org/files/cost-smoking-ca-final-report.pdf>

¹² Lightwood J, Glantz SA. The Effect of the California Tobacco Control Program on Smoking Prevalence, Cigarette Consumption, and Healthcare Costs: 1989–2008. Fielding R, ed. PLoS ONE. 2013; 8(2):e47145.

doi:10.1371/journal.pone.0047145. Available at: <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3572143/>

¹³ Leistikow B, Martin DC and Milano CE. "Fire Injuries, Disasters, and Costs from Cigarettes and Cigarette Lights: A Global Overview." *Preventive Medicine*, 31: 91-99, 2000. Available at: <http://leistikow.ucdavis.edu/SmokingFires.pdf>.

estimated 90,000 smoking-related fires, 540 deaths, 1,640 injuries, and \$621 million in direct property damage in 2011¹⁴; and

- One in four fatalities from home fires caused by smoking is NOT the smoker whose cigarette started the fire, and 25% of those deaths were of neighbors or friends of the smoker¹⁵; and
- Smoking in a residence where long-term oxygen therapy takes place is very dangerous as oxygen is a fire accelerant, and 27% of fatalities due to smoking during long-term oxygen therapy occurred in multi-family residences¹⁶; and
- The United States Fire Administration recommends that people smoke outdoors¹⁷; and

WHEREAS, nonsmokers who live in multi-unit residences can be exposed to neighbors' secondhand smoke, as evidenced by the following:

- Secondhand smoke can seep under doorways and through wall cracks¹⁸; and
- Persons living in apartments near smokers can be exposed to elevated pollution levels for 24 hours a day, and at times, the

¹⁴ The Smoking-Material Problem, John R. Hall, Jr., July 2013. Available at: <http://www.nfpa.org/research/reports-and-statistics/fire-causes/smoking-materials>

¹⁵ US Department of Health and Human Services, Centers for Disease Control and Prevention. "Fatal Fires Associated with Smoking During Long-Term Oxygen Therapy – Maine, Massachusetts, New Hampshire, and Oklahoma, 2000 – 2007." Morbidity and Mortality Weekly Report, 57(31): 852-854, 2008. Available at: www.cdc.gov/mmwr/preview/mmwrhtml/mm5731a3.htm?s_cid=mm5731a3_e.

¹⁶ US Department of Health and Human Services, Centers for Disease Control and Prevention. "Fatal Fires Associated with Smoking During Long-Term Oxygen Therapy – Maine, Massachusetts, New Hampshire, and Oklahoma, 2000 – 2007." Morbidity and Mortality Weekly Report, 57(31): 852-854, 2008. Available at: www.cdc.gov/mmwr/preview/mmwrhtml/mm5731a3.htm?s_cid=mm5731a3_e.

¹⁷ Hall JR, Ahrens M, Rohr K, et al. *Behavioral Mitigation of Smoking Fires Through Strategies Based on Statistical Analysis*. US Department of Homeland Security, 2006, p. 19. Available at: www.usfa.dhs.gov/downloads/pdf/publications/fa-302-508.pdf.

¹⁸ Wagner J, Sullivan DP, Faulkner D, et al. "Environmental Tobacco Smoke Leakage from Smoking Rooms." *Journal of Occupational and Environmental Hygiene*, 1: 110-118, 2004. Available at: <http://eetd.lbl.gov/IEP/pdf/LBNL-51010.pdf>.

particulate matter exposure can exceed the U.S. Environmental Protection Agency's 24-Hour Health Based Standard¹⁹; and

- The Surgeon General has concluded that eliminating smoking in indoor spaces is the only way to fully protect nonsmokers from secondhand smoke exposure and that separating smokers from nonsmokers, cleaning the air, and ventilating buildings cannot completely prevent secondhand smoke exposure²⁰; and

WHEREAS, most Californians do not smoke and a majority favor limitations on smoking in multi-unit residences, as evidenced by the following:

- Nearly 87% of Californians and 91% of California women are nonsmokers²¹; and
- 74% of Californians surveyed approve of apartment complexes requiring at least half of rental units be nonsmoking²²; and
- 69% of Californians surveyed favor limiting smoking in outdoor common areas of apartment buildings and 78% support laws that create nonsmoking units²⁴; and
- 62% of California renters feel that there is a need for laws to limit smoking in apartments²³; and

¹⁹ Klepeis N. *Measuring the Seepage of Tobacco Smoke Particles Between Apartment Units*. California's Clean Air Project, 2008. Available at: www.changelabsolutions.org/sites/default/files/CCAP_Measuring_the_Seepage.pdf.

²⁰ US Department of Health and Human Services, Office of the Surgeon General. *The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General*. 2006, p. 11. Available at: www.cdc.gov/tobacco/data_statistics/sgr/sgr_2006/index.htm#full.S

²¹ California Department of Health Services. News Release, New Data Show 91 Percent of California Women Don't Smoke. 2007. Available at: www.applications.dhs.ca.gov/pressreleases/store/PressReleases/07-37%20dhs%20smoking%20rates-with%20charts.html.

²² Goodwin Simon Victoria Research. *Study of California Voters' Attitudes About Secondhand Smoke Exposure*. 2008. Available at: www.center4tobaccopolicy.org/_files/_files/Results%20of%20SHS%20Poll%20November%202008.pdf (Statewide poll of 600 California voters, conducted November 2008).

²³ American Lung Association of California, Center for Tobacco Policy and Organizing. *Statewide Apartment Renter Study*. 2004. Available at:

- In 2013, Breathe California, Youth Leadership Institute and the Sunset Tobacco Education Project conducted a sample survey with over 400 people in San Mateo County that showed that 100% of tenants believe secondhand smoke is harmful and 95% would be bothered by the smell of tobacco in their apartments. Residents throughout San Mateo County were overwhelmingly (75-79%) in support of smoke-free multi-unit housing policies²⁴; and

WHEREAS, a 2013 study concluded that persons within 2 meters of an active cigarette smoker will be exposed to elevated concentrations of particulate matter from secondhand smoke, whether the smoker is indoors or outdoors²⁵; and

WHEREAS, another 2013 study concluded that 9 meters is the minimum distance from an active cigarette smoker to prevent exposure to outdoor secondhand tobacco smoke²⁶; and

WHEREAS, according to the 2013 Community Health Assessment, there has been an increase in asthma among adults in San Mateo County from 8% in 1998 to 17.9% in 2013²⁷;

WHEREAS, 11.4% of San Mateo County children under the age of 18 have been diagnosed with asthma²⁶; and

www.center4tobaccopolicy.org/_files/_files/5242_Center%20Renter%20Survey%20Results%20May%202004.pdf
(A survey of apartment residents throughout California).

²⁴ San Mateo Tobacco Education Coalition. "Smoke Free Housing Survey". 2013

²⁵ Acevedo-Bolton V., Ott, W.T, Cheng, K.C., Jiang, R.T., Klepesis, N.E., Hildemann, L.M..*Controlled Experiments Measuring Exposure to PM2.5 in Close Proximity to Cigarette Smoking*. Indoor Air, first published online 2 August 2013.

²⁶ Hwang, J., Lee, K. *Determination of Outdoor Tobacco Smoke Exposure by Distance from a Smoking Source*. Nicotine & Tobacco Research, April 2014: 16(4):478-484. First published online 11 November 2013.

²⁷ 2013 Community Assessment: Health and quality of Life in San Mateo County. Available at: <http://smchealth.org/sites/default/files/docs/HPP/2013FullReport%28low%29.pdf>

WHEREAS, asthma is one of the leading causes of absenteeism among school children, which can be easily prevented with proper prevention and management²⁸; and

WHEREAS, asthma attacks cause people with asthma and their family members to miss thousands of days at work each year²⁹; and

WHEREAS, the use of electronic smoking devices is a recent trend that is proliferating in California, including in Brisbane. Electronic smoking devices, commonly referred to as “e-cigarettes,” “e-cigars,” “e-cigarillos,” “e-pipes,” “e-hookahs,” are electronic devices often made to look like conventional tobacco products in shape, size and color³⁰; and

WHEREAS, electronic smoking devices are designed to be used in the same manner as conventional tobacco products with the user exhaling a smoke-like vapor similar in appearance to the exhaled smoke from cigarettes and other conventional tobacco products³¹; and

WHEREAS, a study published in the Journal of Environment and Public Health suggests that electronic smoking devices “may have the capacity to ‘re-normalize’ tobacco use in a demographic that has had significant de-normalization of tobacco use previously”³²; and

²⁸ Meng Y, Babey SH, Wolstein J. Asthma-Related School Absenteeism and School Concentration of Low-Income Students in California. *Prev Chronic Dis* 2012;9:110312. DOI: <http://dx.doi.org/10.5888/pcd9.110312>

²⁹ Policy Brief UCLA Cent Health Policy Res. 2008 Jul;(PB2008-2):1-8. Uncontrolled asthma means missed work and school, emergency department visits for many Californians. Meng YY1, Babey SH, Hastert TA, Lombardi C, Brown ER.

³⁰ U.S. Food and Drug Administration. (2001). *Electronic Cigarettes*. Retrieved on September 22, 2013 from www.fda.gov/newsevents/publichealthfocus/ucm172906.htm.

³¹ Kuschner WG, Reddy S, Mehrotra N, et al. (2011). “Electronic Cigarettes and Thirdhand Smoke: Two Emerging Health Care Challenges for the Primary Care Provider.” *International Journal of General Medicine*. 4: 115–120. Available at: www.ncbi.nlm.nih.gov/pmc/articles/PMC3068875/.

³² McMillen R, Maduka J and Winickoff J. (2011). “Use of Emerging Tobacco Products in the United States.” *Journal of Environmental and Public Health*. Doi:10.1155/2012/989474.

WHEREAS, although the long-term health effects of using electronic cigarettes are still unknown, initial studies have found carcinogens and toxic chemicals, including nicotine, in electronic cigarette aerosols:

- A recent scientific study confirmed that electronic smoking devices that contain nicotine also emit nicotine in the released vapor and involuntarily expose nonsmokers to nicotine³³; and
- The FDA conducted laboratory analysis of electronic cigarette samples and found they contained carcinogens and toxic chemicals to which users and bystanders could potentially be exposed³⁴; and
- A study published in the American Journal of Public Health found similar results to those identified in FDA testing and concluded that the electronic smoking devices tested demonstrated poor quality control, toxic contaminants, misrepresentation of the nicotine delivered and insufficient evidence of the overall public health benefit³⁵; and
- A recent study found a total of 22 elements in vapors produced by electronic smoking devices, and three of these elements (lead, nickel, and chromium) appear on the FDA's "Harmful and Potentially Harmful Chemicals List"³⁶; and

³³ Czogala J, Goniewicz M, Fidelus B, Zielinska-Danch W, Travers M, Sobczak, A. "Secondhand Exposure to Vapors from Electronic Cigarettes" *Nicotine and Tobacco Research*, Advance online publication. doi: 10.1093/ntr/ntt203, 2013.

³⁴U.S. Food and Drug Administration, Division of Pharmaceutical Analysis. Evaluation of e-cigarettes. www.fda.gov/downloads/Drugs/ScienceResearch/UCM173250.pdf. Accessed June 13, 2012.

³⁵ Cobb NK, Byron J, Abrams DB, et al. "Novel Nicotine Delivery Systems and Public Health: The Rise of the 'E-Cigarette'" *American Journal of Public Health*, 100 (12): 2340-2342, 2010.

³⁶ Williams M, Villareal A, Bozhilov K, Lin S, Talbot P. "Metal and Silicate Particles Including Nanoparticles Are Present in Electronic Cigarette Cartomizer Fluid and Aerosol." *PLoS ONE* 8(3): e57987. doi: 10.1371/journal.pone.0057987, 2013.

- Recent studies show that the aerosol emitted by electronic cigarettes contains 10 chemicals listed on the Proposition 65 list of chemicals known to the state to cause cancer, birth defects and reproductive harm^{37, 38;} and
- Recent studies also show that the aerosol emitted by electronic cigarettes contains ultrafine particles that are inhaled and trapped in the lungs, absorbed by the blood stream and delivered to the brain and other organs^{39;} and

WHEREAS, manufacturers of electronic smoking devices have not submitted clinical studies about the safety and efficacy of these products to the FDA^{40;} and, therefore, consumers currently have no way of knowing what types or concentrations of potentially harmful chemicals they are inhaling and exhaling when they use these products^{41, 42;} and

WHEREAS, the City is supportive of tobacco cessation programs and modalities that have proven efficacy and utilize safe FDA-approved products, but to date, electronic smoking devices are not an FDA-approved smoking cessation device^{35;} and

WHEREAS, the World Medical Association has determined that electronic smoking devices “are not comparable to scientifically-proven methods of smoking

³⁷ T. Schripp, D. Markewitz, E. Uhde, and T. Salthammer, 'Does E-Cigarette Consumption Cause Passive Vaping?', *Indoor Air*, 23 (2013), 25-31.

³⁸ Goniewicz, M.J. et al., “Levels of Selected Carcinogens and Toxicants in Vapour From Electronic Cigarettes”. *Tobacco Control*. *Tob Control* doi:10.1136/tobaccocontrol-2012-050859

³⁹ CA Department of Public Health: Health Advisory January 28, 2015. “Electronic Cigarettes: A Summary of the Public Health Risks and Recommendations for Health Care Professionals.” Accessed 21 November 2015. Available at: <http://www.cdph.ca.gov/Documents/EcigHealthAdvisory01282015.pdf>

⁴⁰ U.S. Food and Drug Administration. (2009) FDA Warns of Health Risk Posed by E-Cigarettes. Available at: www.fda.gov/downloads/forconsumers/consumerproducts/UCM173430.pdf

⁴¹ Goniewicz, M, et al. (2013). Nicotine levels in electronic cigarettes. *Nicotine & tobacco research: official journal of the Society for Research on Nicotine and Tobacco*. 15(1): 158–66. doi:10.1093/ntr/nts103

⁴² Etter, J., et al. (2013). “Analysis of Refill Liquids for Electronic smoking devices.” *Addiction*:1–9. doi:10.1111/add.12235

cessation” and that “neither their value as therapeutic aids for smoking cessation nor their safety as cigarette replacements is established⁴³; and

WHEREAS, a recent study suggests that electronic cigarettes are more often used by teens for experimentation rather than for smoking cessation⁴⁴; and

WHEREAS, the confusion caused by the visual similarity between electronic smoking devices and traditional tobacco products may impact individuals and the owners of establishments seeking to comply with applicable smoke-free laws and will threaten the City’s enforcement of these laws; and

WHEREAS, the use of electronic smoking devices in smoke-free locations threatens to reverse the progress that has been made in establishing the social norm that smoking is not permissible in public places or places of employment; and

WHEREAS, the use of electronic smoking devices in smoke-free locations may increase the social acceptability and appeal of smoking, particularly for youth, undermining the progress that has been made over the years in discouraging smoking; and

WHEREAS, according to a recent study of adolescents who do not smoke conventional cigarettes, electronic cigarette use “is associated with a willingness to smoke, a predictor of future cigarette smoking⁴⁵,” and

WHEREAS, the recent increase in electronic cigarettes use is exposing the public to secondhand electronic cigarette vapors which have not been scientifically proven as safe⁴⁶; and

⁴³ World Medical Association. (2012). Statement on Electronic Cigarettes and Other Electronic Nicotine Delivery Systems. Available at: [www.wma.net/en/30publications/10policies/e19/index.html.pdf?print-media-type&footer-right=\[page\]/\[toPage\]](http://www.wma.net/en/30publications/10policies/e19/index.html.pdf?print-media-type&footer-right=[page]/[toPage]).

⁴⁴ “Associations Between E-Cigarette Access and Smoking and Drinking Behaviors in Teenagers. Hughes, K. et. al., Biomedical Central: Public Health. Available at: <http://www.biomedcentral.com/content/pdf/s12889-015-1618-4.pdf>. Accessed 21 November 2015.

⁴⁵ “E-Cigarette Use and Willingness To Smoke: A Sample of Adolescent Non-Smokers.” Wills, T. A. et al. Tobacco Control. Published 10 August 2015.

⁴⁶ “Exhaled Electronic Cigarette Emissions: What’s Your Secondhand Exposure?”. RTI Press Research Brief. March

WHEREAS, prohibiting the use of electronic smoking devices in smoke-free locations will protect traditionally smoke-free locations such as daycare centers, schools, libraries, public parks, playgrounds and beaches and will prevent people, including children, from involuntarily inhaling nicotine and potentially harmful chemicals scientifically proven to exist in the secondhand vapor of electronic smoking devices; and

WHEREAS, 5 states currently ban the use of electronic cigarettes in all places where smoking of cigarettes is banned, and 16 additional states currently prohibit the use of electronic cigarettes in some specified places⁴⁷; and

WHEREAS, 438 cities, towns and counties nationwide regulate the use of electronic cigarettes, and 75 of those local governments are in California⁴⁰; and

WHEREAS, according to a non-exhaustive list compiled by San Mateo County health officials, there are at least 90 other public entities and private organizations nationwide that restrict the use of electronic cigarettes in the same manner as they restrict the smoking of traditional tobacco products; and

WHEREAS, a recent survey conducted by Harvard University showed that 65% of Americans, regardless of ethnicity, race, income or political affiliation, believe that electronic cigarettes are harmful, 69% support bans on electronic cigarette use at indoor workplaces, restaurants and businesses frequented by the public, 94% favor basic regulations like warning labels, and 56% believe that electronic cigarettes make teens more likely to smoke in the future⁴⁸; and

2015. Available at:

http://www.rti.org/pubs/Secondhand_Exposure_to_Electronic_Cigarette_Emissions.pdf?CFID=19297293&CFTOKEN=80086930

⁴⁷ States and Municipalities with Laws Regulating Use of Electronic Cigarettes. American Nonsmokers Rights Foundation. 2 October 2015. Available at: <http://no-smoke.org/pdf/ecigslaws.pdf>. Accessed 21 November 2015.

⁴⁸ "Americans' Perspectives on E-Cigarettes". Harvard T.H. Chan School of Public Health. October 2015. Accessed 21 November 2015. Available at: <https://cdn1.sph.harvard.edu/wp-content/uploads/sites/94/2015/11/Stat-Harvard-Poll-Oct-2015-Americans-Perspectives-on-E-Cigarettes.pdf?CFID=19295905&CFTOKEN=37425594>

WHEREAS, secondhand marijuana smoke has been identified as a health hazard, as evidenced by the following:

- The California EPA included marijuana smoke on the Proposition 65 list of chemicals known to the state of California to cause cancer⁴⁹; and
- According to a 2009 California EPA study, marijuana smoke contains at least 33 known carcinogens and is associated with cancers of the lung, head and neck, bladder, brain, and testes⁵⁰; and
- Based on the similar chemical composition of marijuana secondhand smoke and tobacco secondhand smoke, the well-established heart attack risk caused by exposure to tobacco secondhand smoke, and research demonstrating the negative effects of marijuana secondhand smoke on cardiovascular functions, a 2015 UCSF Division of Cardiology & Cardiovascular Research Institute report concluded that marijuana secondhand smoke and tobacco secondhand smoke likely have similar harmful effects on public health⁵¹; and

WHEREAS, the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE) recommends that multi-unit housing be free

⁴⁹ "Chemical Known to the State to Cause Cancer or Reproductive Toxicity". State of California, Environmental Protection Agency, Office of Environmental Health Hazard Assessment, Safe Drinking Water and Toxic Enforcement Act of 1986. June 19, 2009. Available at: http://www.oehha.ca.gov/prop65/prop65_list/files/P65single061909.pdf Accessed 21 November 21, 2015.

⁵⁰ California Environmental Protection Agency, Reproductive and Cancer Assessment Branch, Office of Environmental Health Hazard Assessment (2009). Evidence of the Carcinogenicity of Marijuana Smoke. Retrieved from: http://oehha.ca.gov/prop65/hazard_ident/pdf_zip/FinalMJsmokeHID.pdf

⁵¹ "Brief Exposure to Marijuana Secondhand Smoke Impairs Vascular Endothelial Function." Xiaoyin Wang, Ronak Derakhshandeh, Shilpa Narayan, Emmy Luu, Stephenie Le, Olivia M. Danforth, Hilda J. Rodriguez, Richard E. Sievers, Suzaynn F. Schick, Stanton A. Glantz, Matthew L. Springer, Univ of California, San Francisco, San Francisco, CA. Available at: http://circ.ahajournals.org/content/130/Suppl_2/A19538.abstract

from environmental tobacco smoke, marijuana smoke, and electronic smoking devices' aerosol⁵²; and

WHEREAS, a 2011 pilot air quality study in Los Angeles County reported that "tobacco smoke particles move from unit to unit [in multi-unit residential buildings] through cracks in fixtures, electrical outlets, pipes, vents, and baseboards, as well as through ventilation systems and windows," and Neil Klepeis, the scientist who conducted the study, estimates that "as much as 30 to 50 percent of the air in a residential building may come from other units, regardless of whether the buildings are new or old," and that "[t]obacco smoke particles in units of non-smokers can reach significant levels equal to and exceeding those of a smoky bar or casino⁵³"; and

WHEREAS, there is no Constitutional right to smoke; and

WHEREAS, the United States Department of Housing and Urban Development ("HUD") urges owners and management agents of HUD-assisted housing to implement 100% smoke-free housing policies in multi-family housing to reduce the exposure of residents to secondhand smoke⁵⁴; and

WHEREAS, a local ordinance that requires residential rental agreements to include a prohibition on smoking of tobacco products within rental units is not prohibited by California law; and

WHEREAS, at least one court in California has held a homeowner association liable for damages for failing to adopt smoking policies to prevent

⁵² The American Society of Heating Refrigerating and Air Conditioning Engineers (ASHRAE). Ventilation for Acceptable Indoor Air Quality. ANSI/ASHRAE Standard 62.1-2013. Addenda 2015 Supplement. Atlanta, GA; 2015. Available at: <https://www.ashrae.org/standards-research--technology/standards-addenda>

⁵³ Klepeis NE, "Tobacco Smoke Monitoring in Multi-Unit Housing", Symposium on Tobacco Smoke in Multi-Unit Housing, Children's Hospital, 4650 Sunset Boulevard, Los Angeles, CA, Speakers: Jonathan Samet, Jonathan Winickoff, Neil Klepeis, Linda Aragon, Michael Ong, Sponsored by Los Angeles County Department of Public Health, November 16, 2011.

⁵⁴ U.S. Department of Housing and Urban Development. Press Release. "HUD Secretary Castro Announces New Rule Making Public Housing Smoke-Free". 12 November 2015. Available at: http://portal.hud.gov/hudportal/HUD?src=/press/press_releases_media_advisories/2015/HUDNo_15-144

cigarette smoke from a condominium resident's patio from entering another resident's unit⁵⁵; and

WHEREAS, California law prohibits smoking in virtually all indoor places of employment reflecting the state policy to protect against the dangers of exposure to secondhand smoke; and

WHEREAS, California law declares that anything that is injurious to health or obstructs the free use of property, so as to interfere with the comfortable enjoyment of life or property, is a nuisance; and

WHEREAS, local governments have broad latitude to declare nuisances and are not constrained by prior definitions of nuisance; and

WHEREAS, there are other types of local regulations in Brisbane that restrict individuals from engaging in certain activities at their residences even though the same activity may be permissible at other locations within the City, including, for example, noise level regulations, fire regulations and limitations on running certain types of businesses from a residence; and

WHEREAS, this ordinance is adopted (1) to protect the public health and welfare by prohibiting or limiting smoking in public places and businesses patronized by the public, (2) to promote smoke-free environments by diminishing ease of accessibility to tobacco and tobacco-related products, through vending machine and self-service sales of these products, (3) to reduce the initiation and maintenance of tobacco use, especially by minors, by prohibiting the distribution and sale of tobacco and tobacco-related products through vending machines, self-service displays and out-of-package sales (3) to protect the public health, safety, and welfare of lawful occupants of multi-unit residences by discouraging the inherently dangerous behavior of smoking around non-smokers and decreasing the nonconsensual exposure of secondhand smoke to the public in and around

⁵⁵ Kalfus, Marilyn. "Condo owners win secondhand smoke case." The Orange County Register. 12 March 2013. OCRegister.com. Accessed 21 November 2015.

their homes; (3) to protect children from inhaling secondhand smoke and from choking or ingesting butts or other toxic tobacco litter where children live and play; and (4) to strike a reasonable balance between the needs of persons who smoke and the needs of children and nonsmokers to breathe smoke-free air, and to recognize that the need to breathe smoke-free air has priority; and

WHEREAS, to protect the health, welfare and safety of City residents and visitors by protecting them from exposure to the secondhand byproducts of electronic smoking devices, facilitating uniform enforcement of smoke-free air laws, reducing the potential for re-normalizing smoking where tobacco use is prohibited, and protecting youth from observing behavior that could encourage them to smoke, the Council has decided to legislatively prohibit the use and sale of electronic smoking devices in all areas where the smoking or sale of tobacco products are prohibited; and

WHEREAS, this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines, as it is not a "project" as it has no potential to result in a direct or reasonably foreseeable indirect physical change to the environment. (14 Cal. Code Regs. § 15378(a)). Further, the ordinance is exempt from CEQA as there is no possibility that the ordinance or its implementation would have a significant negative effect on the environment. (14 Cal. Code Regs. § 15061(b)(3)). The ordinance is also categorically exempt because it is an action taken by a regulatory agency to assume the maintenance, restoration, enhancement or protection of the environment. (14 Cal. Code Regs. § 15308). The Director of Community Development shall cause a Notice of Exemption to be filed as authorized by CEQA and the CEQA guidelines.