



District Safety Advisory

Statewide Smoke-Free Entryway Law; AB 846

Findings

The California legislature and Department of Health Services have found that secondhand smoke has been known to cause 4,700 deaths annually in California, including deaths from lung cancer and heart disease. Secondhand smoke has been shown to be responsible for asthma, eye irritation, and respiratory problems in nonsmokers.

Legislative Action

On January 1, 2004, a new law affecting public buildings went into effect. AB 846 (Vargas) Chapter 342, Statutes of 2003, was signed by Governor Davis and amends Sections 7596-7598 of the Government Code. The new law prohibits smoking within 20 feet of main entrances, exits, and operable windows of any building owned, leased, and/or occupied by the state, county, or city, and buildings of the University of California (UC), California State University (CSU), and California community colleges. The previous law (Government Code 19994.30) prohibited smoking within five feet of the doorways of buildings owned, occupied, or leased and occupied by state government agencies only, excluding UC, CSU, and community colleges.

Local Government Existing Laws

The city in which your college is situated may already have a law that prohibits smoking within 20 feet or more of entryways. The new law does not impede enforcement of current no-smoking laws that go beyond 20 feet of a doorway or operable window. In addition, the new law does not prevent government entities from adopting and enforcing future no-smoking laws that go beyond 20 feet.

Signage

To the extent feasible, signage should now reflect the 20 feet boundaries. AB 846 does not provide funding for signage. Ash receptacles should be moved away from doorways. At the District Office, ash receptacles will be removed entirely. Employees will be instructed not to smoke anywhere immediately adjacent to the building along Wilshire and Flower.

Prototypes of a sign and stickers to place on windows are available through the Los Angeles County Health Department's Tobacco Control Program (TCP). AB 846 does not provide funding for enforcement. However, local governments may determine enforcement protocols and the applicability of related laws, such as those addressing trespassing and nuisance. Based upon experiences of cities and counties that have adopted smoke-free entryway ordinances in the past, the Department of Health Services anticipates that clear signage and placing ash cans at least 20 feet from affected entrances, exits, and windows will make the new law virtually self-enforcing.

More Information

Should you need more information or have any questions, please contact the District's Business Services Division at (213) 891-2422. Should you wish to discuss the new smoking law with the Department of Health Services, Local Programs Unity, Tobacco Control Section, please telephone (916) 449-5514.