City of Palo Alto (ID # 6215)

Policy and Services Committee Staff Report

Report Type: Agenda Items **Meeting Date: 11/10/2015**

Summary Title: Smoking Ordinance Revision

Title: Provide Direction Regarding Expanding Smoking Ordinance to include E-Cigarettes, Change Signage Language, and Include Additional Enforcement Options, Restrict Sales of Tobacco, Direct Staff to Draft Changes to Include Smoking Restrictions for Multi-Family Buildings, and Direct Staff to Support Increasing the Age for Tobacco Sales

From: City Manager

Lead Department: Public Works

Recommendation

Staff requests that the Policy and Services Committee:

1. Recommend that Council adopt changes (Attachment A) to the City's Smoking Ordinance that include addition of Electronic Cigarettes, changing signage language and providing an additional option for enforcement of the City's smoking ordinance;

2. Direct staff to continue discussions with the County on regulatory mechanisms related to retail sale of tobacco, including ensuring new tobacco retailers are prevented from locating near schools;

3. Direct staff to draft changes to the municipal code to expand the smoking ordinance to multi-family housing common areas; and

4. Direct staff to support legislative efforts to raise the legal age to purchase tobacco from 18 to 21 years of age.

Background

City Council adopted an ordinance on December 15, 2014 (ID #5302) to expand smoking restrictions to outdoor commercial areas, outdoor dining areas, public events, work sites and service locations; include penalty escalation for repeat offenders; require cigarette butt receptacles and signage immediately adjacent and within areas covered by the ban. As part of adoption of the ordinance, Council referred further investigation of tobacco retailer licensing and indoor smoking restrictions at multi-family housing, as well as inclusion of e-cigarettes in the City's smoking restrictions, to Policy and Services Committee for further consideration and action.

Policy and Services Committee discussed these issues on May 12, 2015 (ID #5696) and moved:

1. Staff to draft an ordinance making e-cigarettes subject to the same regulations as the current smoking ordinance;

2. Staff to enact a tobacco retail license program and return to City Council for review and approval;

3. To continue recommendation on multi-family ban to a date uncertain and for staff to return to Policy and Services Committee with further information regarding:

    a. Engineered protections to prevent migration of carcinogens, such as exhaust systems for venting through roof lines;

    b. Cleaning processes to convert residential units from smoking (tobacco and e-cigarette) to non-smoking, and how potentially harmful materials are transferred and in what amounts do they become dangerous;

    c. Benchmarking with other multi-family ordinances and how they allow smoking (partial units, designated smoking areas, condo exemption process, disclosure process, etc.); and

    d. Possible legal contradiction with medical marijuana law.

According to Centers for Disease Control and Prevention, cigarette smoking is the single most preventable cause of premature death in the United States. Cigarette waste is also a significant source of litter.

Discussion

Following is a discussion on staff's four recommendations:

1. Draft Ordinance

   In addition to inclusion of electronic cigarettes, the draft ordinance includes changes to signage language to remove current restrictions on letter sizes and add an additional enforcement tool (i.e. administrative penalties) to the smoking ordinance. Based on current implementation of the ordinance, these changes to the signage and enforcement language will improve implementation and enforcement. In addition, the current ordinance specifies no smoking in city "pool" cars, rather than all city vehicles. A minor change was made to have the ordinance apply to all city vehicles.

2. Tobacco Retailer Licensing

   The initial direction to staff was to research banning the sale of tobacco products in pharmacies. One approach to accomplish this ban is to adopt a tobacco retailer licensing program, which has the added benefit of better controlling tobacco sales to minors. Discussion at the May 2015 meeting resulted in the committee directing staff to implement a licensing program.

   Staff coordinated with the various departments needed to implement the program and learned existing staff levels could not accommodate the administrative burden of such a program. Two alternative approaches were developed:

   a. Continue discussions with County of Santa Clara Public Health Department to potentially outsource a program to the county with the City performing enforcement as needed.

      - San Mateo County Department of Public Health administers tobacco retailer licensing programs for cities in San Mateo County. Staff is currently in discussions with Santa Clara County Public Health Department to develop a similar program. Such an effort would still

require the City to pass a retailer licensing ordinance, however it would be administered by the County.

b. Include restrictions on tobacco sales in the zoning code rather than implementing a licensing program. This could include language to cap the existing number of tobacco retailers, prohibit sales in pharmacies and/or prohibit any new retailers from locating within a specified distance, typically 1,000 feet, of a school, youth center or park or requiring a conditional use permit.

   - Although some cities have utilized land use zoning to restrict tobacco retailers, the vast majority of cities imposing restrictions are using tobacco retailer licensing. A zoning approach typically utilizes one of two approaches:

     i. Changes to the zoning code that restrict tobacco sales in certain zoning designations and/or restricting the proximity of tobacco retailers to schools or each other. The use of zoning in this manner is only used by eight cities in California.
     ii. Requiring potential tobacco retailers to seek a conditional use permit in particular zoning designations; this allows for an individualized determination about the appropriateness of such an activity in a particular location. Twenty cities in California use this method.

   While use of the zoning code is an option to consider, it is not used by the majority of municipalities that adopted programming to regulate sales and would result in some of the same resource and staffing concerns as a City-run tobacco retailer licensing program. Any changes to zoning will also require staff time to draft and navigate the City's approval process, possibly extending the process.

3. <u>Multi-Family Smoking Restrictions</u>
   Policy and Services requested additional information on engineering protections, including venting and cleaning processes needed to convert a smoking unit to a non-smoking unit. The overall concern is exposure to Environmental Tobacco Smoke (ETS). Limited information is available to

answer the committee's questions.[1] The American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) concluded:

- It is the consensus of the medical community and its cognizant authorities that ETS is a health risk, causing lung cancer and heart disease in adults and exacerbation of asthma, lower respiratory illnesses and other adverse effects on the respiratory health of children;
- At present, the only means of effectively eliminating health risks associated with indoor exposure is to ban smoking activity; and
- Although complete separation and isolation of smoking rooms can control ETS exposure in non-smoking spaces in the same building, adverse health effects for the occupants of the smoking room cannot be controlled by ventilation.

In 2006, the U.S. Surgeon General released a report entitled *The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General*. The report states that scientific evidence now supports the following:

"Eliminating smoking in indoor spaces fully protects nonsmokers from exposure to secondhand smoke. Separating smokers from nonsmokers, cleaning the air, and ventilating buildings cannot eliminate exposures of nonsmokers to secondhand smoke."

This conclusion was substantiated in part, by the following facts:

- Conventional air cleaning systems can remove large particles but not the smaller particles or the gases found in secondhand smoke;
- Current heating, ventilating and air conditioning systems alone do not control secondhand smoke exposure. In fact, these systems may distribute secondhand smoke throughout a building; and
- Even separately enclosed, separately exhausted, negative-pressure smoking rooms do not keep secondhand smoke from spilling into adjacent areas.

[1] http://www.cdc.gov/tobacco/data_statistics/fact_sheets/secondhand_smoke/protection/ventilation/

Research shows that particles from secondhand tobacco smoke can settle into dust and onto surfaces and remain there long after the smoke has disappeared. Some studies suggest the particles can last for months. This ETS is still being studied. Particles that settle out from tobacco smoke can combine with gases in the air to form cancer-causing compounds.[2] No information on research for cleaning units was found.

In addition, the committee requested benchmarking with other multi-family ordinances and associated smoking allowances (partial units, smoking areas designated, condo exemption process, disclosure process, etc.).

The Center for Tobacco Policy has compiled a list of local California Smokefree Housing Policies.[3] In Walnut Creek, a recent local ordinance bans smoking in all units and common areas of multi-tenant buildings, including new and existing units. Other ordinances allow landlords to establish smoking areas in outdoor common areas meeting criteria outlined in the ordinance. Some ordinances delay implementation or do not apply to existing units, do not include condominiums or include only common areas. Staff conducted a survey as described in Attachment B, which included a question on what type of ban was preferred. A majority of respondents supported a ban in all units and indoor and outdoor common areas. Few respondents favored excluding condominiums from the ban or banning smoking in only part of the units. The staff recommendation is to direct staff to pursue banning smoking in indoor and outdoor common areas at multi-family buildings. With specific criteria in the ordinance, including mandatory receptacles for cigarette butts, outdoor smoking areas could be permitted to be established by landlords or homeowners associations.

Lastly, the committee requested additional information regarding possible legal contradiction with medical marijuana law. Under the ordinance as it currently stands, public smoking of marijuana – whether medicinal or not – is prohibited to the same extent and in the same locations as is regular tobacco smoke. Should the City expand the prohibition on smoking tobacco to multi-

[2] http://www.cancer.org/cancer/cancercauses/tobaccocancer/secondhand-smoke

[3] http://center4tobaccopolicy.org/wp-content/uploads/2013/12/Local-California-Smokefree-Housing-Policies-Detailed-Analysis-December-2013.pdf

family dwellings, the prohibition would automatically include a prohibition on medicinal marijuana unless Council adopted a specific exemption.

Secondhand smoke from marijuana is harmful to the health of bystanders similar to tobacco smoke. California's medical marijuana law includes the following language:

"Nothing in this article shall authorize a qualified patient or person with an identification card to engage in the smoking of medical marijuana under any of the following circumstances:

a. In any place where smoking is prohibited by law.
b. In or within 1,000 feet of the grounds of a school, recreation center, or youth center, unless the medical use occurs within a residence.
c. On a school bus.
d. While in a motor vehicle that is being operated.
e. While operating a boat."

Given item (a), medical marijuana would be included in the City's smoking ordinance automatically. Should the City consider expanding the smoking ordinance to multi-unit buildings, an exemption process could be considered for those that are ill and hold recognized medical marijuana cards.

In addition, Council inquired about the legal aspects of the City's proposed regulation of medicinal marijuana usage in places of public accommodation and/or housing units under various state and federal laws requiring proprietors to provide a reasonable accommodation for persons with disabilities. While the case law is not fully developed in California, the existing case law suggests that there is no right under state law to be allowed to smoke medicinal marijuana in a housing complex. A 2008 California Supreme Court employment discrimination case suggests that the California's Compassionate Use Act of 1996 does not require an owner to allow the growing, smoking and/or possession of medical marijuana in residential rental property as a reasonable accommodation for a disabled person (Ross v. Ragingwire Telecommunications (2008) 42 Cal.4th 920).

4. Smoking Age
   At the County and State level, raising the age for tobacco and e-cigarette purchases from 18 to 21 has been considered. The Senate passed SB 151 while the County of Santa Clara passed an ordinance in unincorporated areas. Staff requests direction on whether to support such efforts through comment letters or a local ordinance should SB 151 be delayed. Additional information can be found in the letter from the County to cities (Attachment C).

Policy Implications

The adoption of the proposed ordinance would further Comprehensive Plan polices: N-5: Clean, Healthful Air for Palo Alto; and N-6: An Environment Free of the Damaging Effects of Biological and Chemical Hazardous Materials.

In addition, Council adopted four priorities that will "receive particular, unusual and significant attention during the year," including “Healthy City, Healthy Community,” with which this effort is consistent.

Resource Impact

This ordinance will have resource impacts on City staff time and financial resources depending on the level of enforcement and/or outreach required by its implementation. The Police Department does not currently have resources to oversee additional enforcement efforts. Staff anticipates providing public outreach to educate residents and landlords/property managers of the newly adopted policies. Educational materials and signage costs will be paid with grant funding from the Santa Clara County Public Health Department and other public and private agencies.

Environmental Review

Provisions of this ordinance do not constitute a project under the Environmental Quality Act because it can be seen with certainty that no significant negative environmental impact will occur as a result of the amended ordinance.

Attachments:

- Attachment A - Revised Smoking Ordinance (PDF)
- Attachment B 051215 5696 Discussion on Expansion of City Smoking Ordinance (PDF)
- Attachment C Minimum Age Tobacco Letter_8.21.2015 (PDF)
- Attachment D - Public Letter to Council (PDF)

ATTACHMENT A

NOT YET APPROVED

Ordinance No. _____
Ordinance of the Council of the City of Palo Alto Amending Chapter 9.14 (Smoking and Tobacco Regulations) of the Palo Alto Municipal Code to Establish New Outdoor Smoking Restrictions in Commercial Areas and Outdoor Dining

The Council of the City of Palo Alto does ORDAIN as follows:

SECTION 1. Findings and Declarations. The City Council finds and declares as follows:

(a) That the adoption of this Ordinance is necessary to protect the public health, safety and welfare for the reasons set forth in amended section 9.14.005. The purposes of this Ordinance are to ban smoking in commercial areas, all dining areas, and worksite in order to reduce the risks of second hand smoke and vapor, reduce litter, and enhance enjoyment of these areas.

SECTION 2. Chapter 9.14 of the Palo Alto Municipal Code is hereby amended to read as follows:

Palo Alto Municipal Code Chapter 9.14: Smoking and Tobacco Regulations

9.14.005 Purpose.

The purpose of this Chapter is to:

(a) Protect the public health, safety and general welfare by prohibiting smoking and use of electronic smoking devices in public parks, public places, service locations, city pool cars, child day care facilities, and unenclosed eating establishments.

(b) Ensure a cleaner and more hygienic environment within the city, reduce litter, and protect the City's natural resources, including creeks and streams.

(c) Enhance the welfare of residents, workers, and visitors by reducing exposure to second hand smoke, which studies confirm can cause negative health effects in non-smokers.

(d) Balance the needs of persons who smoke with the needs of nonsmokers, including children and youth, to be free from the discomforts and health threats created by exposure to second-hand smoke and vapor.

9.14.010 Definitions.

The following words and phrases, whenever used in this chapter shall be construed as defined in this section:

(a) "Bar" means an area which is devoted to serving alcoholic beverages and in which serving food is only incidental to the consumption of such beverages. "Bar" shall include

bar areas within eating establishments which are devoted to serving alcoholic beverages and in which serving food is only incidental to the consumption of such beverages.

(b) ”City pool car" means any truck, van or automobile owned by the city and operated by a city employee. City pool car does not include vehicles operated by the police department.

(c) “Commercial Area” means an area, including all publicly owned sidewalks, alleys, parking areas, public places, outdoor dining areas, service areas, etc. within areas zoned in the City’s Comprehensive Plan as regional/community commercial (including Downtown, California Avenue Business District, Town and Country, and Stanford Shopping Center) and Neighborhood Commercial.

(d) "Eating establishment" means a coffee shop, cafeteria, short-order café, luncheonette, sandwich shop, soda fountain, restaurant, or other establishment serving food to members of the public.

(e) “Electronic smoking device” means an electronic and/or battery-operated device that can deliver an inhalable dose of nicotine to the user. “Electronic smoking device” includes any product meeting this definition, regardless of whether it is manufactured, distributed, marketed or sold as an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, electronic vape, vaporizer or any other product name or descriptor.

(~~e~~f) "Employee" means any person who is employed by any employer in consideration for direct or indirect monetary wages or profit.

(~~f~~g) "Employee eating place" means any place serving as an employee cafeteria, lunchrooms, lounge, or like place.

(~~g~~h) "Employer" means any person who employs the services of an individual person or persons.

(~~h~~i) "Enclosed" means either closed in by a roof and four walls with appropriate openings for ingress and egress or not open to the sky due to a cover or shelter consisting of a tarpaulin, tent structure or other impermeable or semi-permeable materials or fabric.

(j~~i~~) "Motion picture theater" means any theater engaged in the business of exhibiting motion pictures.

(k~~j~~) “Public Event” means events open to the general public, including but not limited to a farmers’ market, parade, craft fair, festival, or any other such event.

(~~k~~l) "Public places" means enclosed areas within publicly and privately owned buildings, structures, facilities, or complexes that are open to, used by, or accessible to the general public. Public places include, but are not limited to, stores, banks, eating establishments, bars, hotels, motels, depots and transit terminals, theaters and auditoriums, enclosed sports arenas, convention centers, museums, galleries, polling places, hospitals and

other health care facilities of any kind (including clinics, dental, chiropractic, or physical therapy facilities), automotive service centers, general business offices, nonprofit entity offices and libraries. Public places further include, but are not limited to, hallways, restrooms, stairways, escalators, elevators, lobbies, reception areas, waiting rooms, indoor service lines, checkout stations, counters and other pay stations, classrooms, meeting or conference rooms, lecture rooms, buses, or other enclosed places that are open to, used by, or accessible to the general public.

(m~~l~~) "Service locations" means those enclosed or unenclosed areas open to, used by, or accessible to the general public that are listed below:

(1) Bus, train and taxi shelters;

(2) Service waiting areas including, but not limited to, ticket or service lines, public transportation waiting areas, and public telephones;

(3) Areas within twenty-five feet of the entrance or exit to an enclosed public place, where smoking is prohibited;

(4) Areas in dedicated parks or other publicly accessible areas that are within twenty-five feet of bleachers, backstops, or play structures.

(n~~m~~) "Smoking" means the combustion of any cigar, cigarette, tobacco or any similar article.

(o~~n~~) "Tobacco product" means any substance containing tobacco leaf, including but not limited to cigarettes, cigars, smoking tobacco, and smokeless tobacco.

(p~~o~~) "Tobacco store" means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is incidental.

(q~~p~~) "Tobacco vending machine" means any electronic or mechanical device or appliance the operation of which-depends upon the insertion of money, whether coin or paper bill, or other thing representative of value, which dispenses or releases a tobacco product and/or tobacco accessories.

(r) "Vapor" means aerosol produced from use of an electronic smoking device.

(s~~q~~) "Workplace" means any enclosed area of a structure or portion thereof used as a place of employment as well as unenclosed workplaces, such as outdoor construction sites.

9.14.020 Smoking prohibited - Enclosed Places.

Smoking and the use of electronic smoking devices is prohibited in the Enclosed Areas of the following places within the City of Palo Alto, except in places subject to prohibition on smoking contained in Labor Code section 6404.5, in which case that law applies

(1) Workplaces;

(2) Public places;

Any places exempted by the California smoke free workplace law (Labor Code Section 6404.5(d)) are not exempt under this chapter. Smoking is prohibited by this chapter in all places exempted by that State law, except as provided in 9.14.070.

9.14.025 Smoking prohibited - Unenclosed Areas.

(a) Smoking and the use of electronic smoking devices in all unenclosed areas defined as Service Locations shall be prohibited, including a buffer zone within 25 feet from any doorway, window, opening, crack, or vent into an Enclosed Area in which Smoking is prohibited, except while the Person Smoking is actively passing on the way to another destination and provided Smoke does not enter any Enclosed Area in which Smoking is prohibited.

(b) Smoking and the use of electronic smoking devices is prohibited in unenclosed eating establishments and bars.

9.14.030 Smoking prohibited - City ~~pool~~ cars.

Smoking and the use of electronic smoking devices is prohibited in all city ~~pool~~ cars.

9.14.035 Smoking Prohibited - Public Parks and Public Events.

Smoking and the use of electronic smoking devices is prohibited in all parks, including at public events.

9.14.040 Smoking prohibited - Child day care facilities.

Smoking is prohibited in a private residence which is licensed as a child day care facility within the meaning of Health and Safety Code Section 1596.750 and Section 1596.795 and amendments.

9.14.050 Smoking prohibited – Commercial Areas and Public Events.

Smoking and the use of electronic smoking devices is prohibited in commercial areas, except places where smoking is already prohibited by state or federal law, in which case those laws apply. This prohibition includes public events held on public streets. A shopping center or commercial areas may establish a designated smoking area that is at least 25 feet away from any openings and includes receptacles to control litter.

9.14.060 Reserved.*

* Editor's Note: Former Section 9.14.060, Regulation of Smoking in the Workplace, previously codified herein and containing portions of Ordinance Nos. 4056 and 4164 was repealed in its entirety by Ordinance No. 4294.

ATTACHMENT A

NOT YET APPROVED

9.14.070 Exemptions.

The following places and workplaces are exempt from Section 9.14.020:

(a) Smoking at theatrical production sites is not prohibited by this subsection if the theater general manager certifies that smoking is an essential part of the story and the use of a fake, prop, or special effect cannot reasonably convey the idea of smoking in an effective way to a reasonable member of the anticipated audience. This exception will not apply if minors are performers within the production.

(b) Bingo games, consistent with prohibition on smoking contained in Labor Code section 6404.5 and licensed pursuant to the Palo Alto Municipal Code, which do not permit access by minors under eighteen years of age

(c) A fully enclosed room in a hotel, motel, other transient lodging establishment similar to a hotel, motel, or public convention center which is being used entirely for a private function and which is not open to the general public, except while food or beverage functions are taking place, including setup, service, and cleanup activities, or when the room is being used for exhibit purposes, sixty-five percent of the guest rooms in a hotel, motel, or similar transient lodging establishment;

(d) Tobacco stores with private smokers' lounges meeting the requirements of the applicable portions of subdivision (d)(4) of Labor Code Section 6404.5.

9.14.80 Location of tobacco vending machines.

(a) No person shall locate, install, keep or maintain a tobacco vending machine except in a place which under state law is not lawfully accessible to minors.

(b) This section shall become effective ninety days after its enactment. Any tobacco vending machine not in conformance with this section upon its effective date shall be removed.

9.14.090 Display of tobacco products for sale.

No person shall display or offer tobacco products for sale except in an area, or from within an enclosure, which physically precludes the removal of the tobacco products without the assistance of the person authorizing such display or offer, or an employee of such person.

(Ord. 4056 § 4 (part), 1991)

9.14.100 Posting of signs required.

With the exception of service locations, wherever this ordinance prohibits smoking and the use of electronic smoking devices, conspicuous signs shall be posted ~~so stating, containing all capital lettering not less than one inch in height, on a contrasting background~~. Signs of similar

size containing the international "no smoking" symbol consisting of a pictorial representation of a burning cigarette and electronic smoking device enclosed in a red circle with a red bar across it may be used in addition to or in lieu of any signs required hereunder. Such signs shall be placed by the owner, operator, manager, or other persons having control of such room, building, or other place where smoking and the use of electronic smoking devices is prohibited. Signs placed at each entrance of buildings in which smoking is totally prohibited shall be sufficient. The absence of signs shall not be a defense to a violation of any provision of this chapter.

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9.14.110 Enforcement.

Pursuant to Section 6 of Article IV of the Palo Alto City Charter, the city manager is hereby granted authority to enforce the provisions of this chapter and Labor Code Section 6404.5.

9.14.120 Public nuisance.

Any violation of this chapter is a public nuisance and may be abated in accordance with Chapter 9.56 of the Palo Alto Municipal Code and/or Code of Civil Procedure Section 731.

9.14.130 Violations~~ to be misdemeanors~~.

Violation of any provision of this chapter shall be ~~a misdemeanor~~ punishable as provided in this code. Violations shall be punishable by the following:

(1) An administrative citation and ~~A~~a fine not exceeding $250 for the first violation;
(2) An infraction and ~~A~~a fine not exceeding $300 for the second violation
(3) An infraction or a misdemeanor and ~~A~~a fine not exceeding $500 for each additional violation within one year

SECTION 3. Severability. If any provision, clause, sentence or paragraph of this ordinance, or the application to any person or circumstances, shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 4. The Council finds that this project is exempt from the provisions of the California Environmental Quality Act ("CEQA"), pursuant to Section 15061 of the CEQA Guidelines, because it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment.

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ATTACHMENT A

NOT YET APPROVED

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SECTION 5. This ordinance shall be effective on the thirty-first day after the date of its adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

_____	_____
City Clerk	Mayor
APPROVED AS TO FORM:	APPROVED:
_____	_____
Assistant City Attorney	City Manager
	_____
	Director of Public Works

Attachment B

City of Palo Alto (ID # 5696)

Policy and Services Committee Staff Report

Report Type: Agenda Items **Meeting Date: 5/12/2015**

Summary Title: Discussion on Expansion of City Smoking Ordinance

Title: Discussion and Direction on Expansion of City Smoking Ordinance to Multi-Family Housing, Adding Electronic Cigarettes, and Restricting Sales of Tobacco Products and E-Cigarettes

From: City Manager

Lead Department: Public Works

Recommendation:
Staff requests that the Policy and Services Committee:

1. Review the results of outreach to multi-family building tenants and landlords based on those results and the Council's 2015 Healthy City/Healthy Community priority to provide direction to staff to draft an ordinance expanding the City's smoking ordinance to multi-family buildings; and to:
2. Provide direction to staff to draft an ordinance making e-cigarettes subject to the smoking ordinance; and
3. Provide direction to staff regarding the restrictions on the sale of tobacco products, including requirements regarding tobacco retailer licensing.

Background:
The City Council adopted an ordinance on December 15, 2014 (ID #5302) to expand smoking restrictions to outdoor commercial areas, outdoor dining areas, public events, work sites and service locations; include penalty escalation for repeat offenders; require cigarette butt receptacles and signage immediately adjacent and within areas covered by the ban. As part of adoption of the ordinance, the Council referred further investigation of tobacco retailer licensing and indoor smoking restrictions at multi-family housing, as well as inclusion of e-

cigarettes into the City's smoking restrictions, to the Policy and Services Committee for further consideration and action.

According to the Centers for Disease Control and Prevention (CDC), cigarette smoking is the single most preventable cause of premature death in the United States. Frequent and recurring exposure to second-hand smoke can cause health problems such as asthma, heart disease, cancer and Sudden Infant Death Syndrome (SIDS), as well as worsen a chronic illness. In terms of multi-family housing, the home is the place where children are most exposed to secondhand smoke, and it's a major place for second-hand smoke exposure for adults. The US Surgeon General has concluded that "There is no risk-free level of exposure to secondhand smoke." Breathing even a little secondhand smoke can be harmful. According to the American Lung Association, residents in multi-unit housing are exposed to secondhand smoke, because it can migrate from other units and common areas and travel through doorways, cracks in walls, electrical lines, plumbing, and ventilation systems. Eliminating smoking in multi-unit housing can also contribute to higher property values and decreased fire risk. Cigarette waste is also a significant source of litter.

Discussion:

Indoor Smoking Restrictions – Multi Family

Staff conducted outreach to multi-family residential units by mailing 8,549 postcards to landlords and tenants of the City's multi-family units on March 9, 2015 and directing them to an on-line survey or phone number to provide input. Phone responses were entered into the on-line survey by staff. 505 responses were received by April 10, 2015. Of the respondents, the majority (96%) were residents in multi-unit housing. Only two percent of the respondents were landlords and another two percent were other residents, business owners, visitors, or employees. Of the respondents, the majority (95%) were non-smokers.

In terms of the current state of smoking restrictions, of the nine landlords/property managers that responded, five indicated that their complexes currently allow smoking and four indicated that smoking was not allowed. This mirrors the responses from residents, where 51% indicated that their complex allows smoking in all units, with an additional 19% allowing smoking in common areas, six percent allowing smoking in some units, and 24% not allowing smoking.

Of the landlords/property managers, the majority (56%) have had to deal with complaints about second-hand smoke from their tenants, and they all support partial or complete bans of smoking in multi-unit housing. Support for a designated smoking area was nearly evenly split with five of the nine respondents not supporting a smoking area in their complex and four supporting.

Of the residents who responded, the majority (57%) indicated that smoke in the complex grounds outside bothers them very much, with an additional 17% indicating it bothers them somewhat and 8% feel a little bothered. A majority (80%) also indicated that smoke inside the unit bothers them, 64% indicating it bothers them very much. Of residents, the majority of the respondents (90%) are in favor of smoking restrictions in multi-unit housing. Of those in favor of smoking restrictions, the following options were supported:

- Banning smoking in all units (82%)
- Banning smoking in some units (30%)
- Banning smoking in indoor common areas (72%)
- Banning smoking in outdoor common areas (68%)
- Rather than requiring owners of condos to comply immediately, making condo units smoke-free upon resale only (19%)

Comments indicate strong support for smoking restrictions in multi-tenant housing due to health concerns from smoke permeating through walls, entering units through open windows, and from sidewalks, with some respondents requesting restricting smoking within 25 feet of the buildings to ensure that smoke does not enter the units from the sidewalks. Many respondents are concerned about their children being exposed to second-hand smoke or have health concerns that are exacerbated by their neighbors' smoking. Some respondents voiced concern about restricting smoking inside units and infringing on private property rights. See Attachment A for the written responses received. A survey conducted by the County in 2011-12 had similar results with the majority of landlords and tenants supporting smoke-free multi-unit housing complexes.

Many cities and counties in California have implemented restrictions on smoking in multi-tenant housing, including Santa Clara County, San Mateo County, San Rafael, Belmont, Richmond, and Walnut Creek. The City of San Jose restricts smoking in common areas only. Smoking restrictions in multi-tenant housing are

strongly supported by a majority of tenants based on positive results such as improved health protection, reduced fire risk, and higher property values.

Staff recommends drafting an ordinance to restrict smoking in multi-unit housing for Council approval that includes all units, common areas, and buffer area on sidewalks.

E-cigarettes

According to a letter sent to cities in Santa Clara County by the County of Santa Clara Public Health Department in April 2014, "the rapidly increasing use of electronic smoking devices (commonly referred to as electronic cigarettes, electronic cigars, electronic cigarillos, electronic pipes, electronic hookahs, electronic vapes, or vaporizers), threatens to undo much of the social norm change around tobacco use which has largely resulted from health and tobacco prevention policies like the ones implemented by the County and cities throughout Santa Clara County. Public health advancements could be undermined by the unrestricted use of e-cigarettes, which produce a smoke-like aerosol in public, and widespread, unrestricted advertising of such products in ways that have been restricted for cigarettes and other tobacco products for decades. The use of these products presents health hazards to the users and potentially to bystanders as well."

The County has amended the County's tobacco control ordinances for unincorporated Santa Clara County to include electronic smoking devices. Several cities have also included e-cigarettes in their smoking ordinances, including Sunnyvale, Santa Clara, Foster City, Fremont, Dublin, and Mountain View. A CDC study showed that in 2011, 4.7% of all high school students had tried e-cigarettes and that in 2012, that number increased to 10.0% of all high school students. The letter from the County included the Factual Findings (see Attachment B) supporting an inclusion of restrictions on e-cigarettes in current smoking bans. Given the unknown public health impacts and the current lack of regulation, the Public Health Department recommends a precautionary approach in regulating the use of electronic smoking devices, until their safety is conclusively established. At this time, no restrictions exist to using e-cigarettes in Palo Alto, including in municipal buildings, restaurants, and city cars.

Staff recommends including e-cigarettes in the existing smoking ordinance and banning use of e-cigarettes in all areas where tobacco is currently banned. Consistent with the County's ordinance, such a ban on e-cigarettes would not extend into units of multi-family housing as there is currently no evidence that vapor moves between units.

Tobacco Retailer Licensing

At a presentation to the Policy and Services on June 17, 2014 (ID #4704), the committee moved to ban the sale of tobacco products and e-cigarettes in pharmacies, however, due to staff resourcing issues, such restrictions have not yet been pursued. One way to ban tobacco products in pharmacies is to adopt a tobacco retailer licensing program, which has the additional benefit of better controlling tobacco sales to minors. In Palo Alto, the 2014 illegal sales rate to minors was 15 percent. There are currently 33 stores that sell tobacco in Palo Alto, and more than half (58%) of those stores are located within 1,000 feet of a school. The current California state tobacco retail licensing law requires only a one-time fee for a license and is not an effective vehicle to enforce sale of tobacco to minors or restricting the sale of tobacco in targeted areas (such as within 1,000 feet of schools). The cities of San Jose, Campbell, Gilroy, Morgan Hill and Santa Clara County have adopted tobacco retail licensing programs. These self-funding programs give local jurisdictions the authority to hold retailers accountable for selling tobacco to minors and to restrict the sale in targeted areas or retail locations such as near schools, parks, and in pharmacies. The programs can be tailored to grandfather existing uses as desired.

Staff recommends that in order to implement the Policy and Services direction to restrict the sale of tobacco products in pharmacies, a tobacco retailer licensing program be considered, including conducting outreach to pharmacies in Palo Alto.

Policy Implications:

The adoption of an expanded ordinance would further Comprehensive Plan polices: Policy N-5: Clean, Healthful Air for Palo Alto; and Policy N-6: An Environment Free of the Damaging Effects of Biological and Chemical Hazardous Materials. In addition, this effort is consistent with the 2015 Council Priority: Healthy City, Healthy Community.

Resource Impact:

This ordinance will have impacts on ongoing City staff time and financial resources depending on the level of enforcement and/or ongoing public information required by its implementation. It is anticipated that Police Officers or Code Enforcement Officers will respond to violations of the ordinance on a complaint basis. Staff time and resources would be required to set up and implement the tobacco retailer licensing program. The license fee is expected to fund the ongoing cost of the program. Staff anticipates providing public outreach to educate residents and landlords/property managers of the newly adopted policies. Educational materials and signage costs are eligible for grant funding from the Santa Clara County Public Health Department and other public and private agencies. Staff will pursue such grant funding.

Timeline:

Staff recommends bringing proposed ordinance language back to the Policy and Services Committee in the fall of 2015.

Attachments:

- A - Survey Responses (DOCX)
- B - E Cigarettes (PDF)

Attachment A: Responses to Survey Question 12
Do you have comments, concerns and suggestions or concerns that you would like to share with us related to restricting smoking in multi-family buildings?

smoking in a[n] apartment building affects everyone here. I'm retired and home all day as well as our smoker.
4/9/2015 4:24 PM

I think restricting smoking indoors is just fine. Smoking should be limited to outdoor areas away from windows and doors, for courtesy and health.
4/9/2015 1:28 PM

Older buildings such as our own (built in 1977) have poor ventilation/insulation between units, so we do smell tobacco smoke from the unit beneath us, even if all windows are closed. Smoking is prohibited in the common areas of our complex, but if we can smell the smoke from the individual units (where it is allowed), the rule doesn't truly protect the non-smokers. Banning smoking entirely, from inside individual units as well, would be the best course of action for the health and safety of all who live here. Plus, such a change shouldn't be "grandfathered in," thus allowing current smokers to continue to smoke. The new rule should apply, effective immediately, to all units. Smokers should be required to find other living arrangements.
4/7/2015 8:49 PM

Please, please, please pass this ordinance. I had to move out of an apartment in Sacramento in 2007 because there was a smoker above me - he would smoke in his apartment and the way the building was constructed the smoke would travel down common vents into my apartment. There was no way to stop it. I am very allergic to smoke - it can trigger asthma attacks for me so it is an issue with not just health but a serious safety concern. Living in Stanford West has not been easy either. We lived next to three smokers (2 have been replaced with non-smokers as of this year) and we dealt with smoke entering our apartment constantly (even through the common bathroom vent from the smoker below our unit). I have asked management for help but they refuse to do anything. As you consider this ordinance please keep in mind that a smoking ban inside units is a great starting point but to allow smoking on balconies or anywhere near the buildings means that smoke drifts throughout the complex and, if windows are open (which is obviously common for units in the area), smoke enters another unit. Please pass this ordinance, I can't voice my support strongly enough.
4/7/2015 11:35 AM

I cannot even open my sliding door because my [n]ext door neighbor smokes & the smoke comes up into my room & bothers me.
4/5/2015 9:12 PM

Palo Alto should continue to demonstrate its leadership on public safety issues by implementing the strictest possible anti-smoking ordinances in multi-family buildings.
4/5/2015 5:39 PM

Smokers seem to think that smoking outside is not a problem, but the smell permeates my residence. When it occurs, I consider it a major nuisance.
4/5/2015 12:01 PM

Smokers are selfish and inconsiderate. They smoke in common areas and expose other people to dangerous second hand smoke.
4/2/2015 12:11 PM

Second hand smoking is not only unhealthy in general, it particularly It aggravates the condition of asthma and COPD
4/2/2015 10:18 AM

The person over the phones said that tenants smoke above and below and it comes down through the heater vent. For her, it affects her throat. For her neighbor, it gives her swollen eyes. Her neighbor has already complained to City Hall. People smoke in their cars, but it still comes in through her windows.
4/2/2015 9:23 AM

I have owned my condo for over 25 years. I am a non-smoker and none of my guests has ever smoked in my home, at my request. But I would very much resent the idea that the City could tell me I could not smoke here if I wanted to. I would consider that discrimination against people who live in multi-unit housing. The City is going too far here.
4/1/2015 2:29 PM

Smoking is allowed in all apts. and on the grounds of our complex. The biggest problem is the smoking that takes place in outdoor common areas. Smoke wafts into non-smokers' patios, balconies, and apts. (when windows/doors are open) and there's no way to remove it. Smokers sit on benches near apts. and smoke. This is terrible for the health of non-smokers and those with health issues (asthma, allergies, etc.) Please ban smoking in multi-unit housing outdoor common areas asap!! (And be sure to include marijuana smoking--indoors and out--in the smoking ban.) If this restriction is passed, how will it be effectively enforced? Most people in this area don't even respect the existing restrictions regarding outside smoking distance from buildings. Note: Complex employees and contracted workers who smoke near apts. are part of the problem.
4/1/2015 1:52 PM

In warm months when my neighbors have their windows open I get second hand smoke every night at 10:00 coming out neighbors' windows and into mine. If residents are allowed to smoke in the units they must be required to keep windows closed. This ordinance is very important because as more buildings prohibit smoking, other buildings are filling up with the displaced smokers.
4/1/2015 1:41 PM

Second-hand smoke exposure in multi-family units is too common - we are forced to shut our windows when smokers walk past outside, or if smokers are on their balcony and it wafts in. Smoke has even come through the bathroom vent.
3/31/2015 9:55 PM

I strongly believe we should have an ordinance against smoking in multi-unit homes, up to 30 feet away from the property. We have young children living in our home breathing in second hand smoke from our neighbors.
3/29/2015 8:59 PM

All smoking should be restricted in all units and in all common spaces. But how to enforce?
3/29/2015 5:29 PM

Smoking is not currently a big problem (only the apartment manager smokes outside), but I wouldn't want to move into a unit that had a stale smoke smell, and it's better not to have to confront it when outside. However, I don't know how much this restricts people's freedom and rights if they can't smoke in their own unit.
3/27/2015 10:47 PM

I think smoking should be prohibited inside and out except for in designated, separate smoking areas.

3/27/2015 2:05 PM

I live on Tasso downtown across from Bank of America. Employees from businesses smoke at this location. The smoke filters to my bldg. How can this be stopped with or without ordinance. Actually, this area is also used as an outdoor male restroom. Thank you
3/25/2015 3:00 AM

Palo Alto - Police State 101? While I don't appreciate people sitting on their balconies smoking with the wind blowing smoke into my apartment, I'll take that any day over the rules and regulations which are eroding our rights and lifestyles at an alarming rate. Perhaps you could spend more time actually making it a town worth living in (it's definitely heading in the wrong direction) instead of making so many rules and regulations that no one can simply relax and enjoy what little time they might have for that purpose.
3/24/2015 1:25 PM

none
3/24/2015 7:02 AM

Due to close proximity, I think smoking should be prohibited, even on personal balconies, garages, and patios.
3/23/2015 10:11 PM

Great idea to restrict second-hand exposure to smoking. Thanks!
3/23/2015 9:02 PM

We have the problem that: 1)Despite that our building does not allow smoking, our resident managers smokes both inside his unit and outside, 2) People smoke just outside our unit, and it comes in our windows which is terrible and makes our eyes water.
3/23/2015 8:02 PM

In a multi-unit building, smoking bans are very important, because the likelihood of a smoker present in another unit unfortunately is high. Many unit residents in attempt to accommodate other unit residents stick their heads outside a window and smoke. The second hand smoke filters to other units. One should not have to tolerate second hand smoke.
3/23/2015 5:06 PM

Although I am not a smoker, I think it is unfair to ban smoking in all the units in multi-family building. Restricting smoking in shared/common areas such as pools, garage, laundry room, etc, however, should be seriously considered. In addition, smoking should be restricted on streets nearby hospitals (for example, Welch road on which LPCH, Stanford hospital and cancer center are located), daycare center, children's playground as well as busy streets (University ave and California ave).
3/23/2015 4:37 PM

The person over the phone said that smoking is ok in private units.
3/23/2015 2:50 PM

The person over the phone said that a campaign on second hand smoking should be considered.
3/23/2015 2:49 PM

The person over the phone suggested that hypnotism has been shown to solve smoking. She also says that she does not like smoke and that it is a bad habit.
3/23/2015 2:46 PM

The person over the phone said that she is a non-smoker and objects to smoke.
3/23/2015 2:45 PM
none

3/23/2015 2:43 PM

The person over the phone said that it would be great to not put up with second hand smoking from next door condo.
3/23/2015 2:42 PM

The person over the phone said that many of the people who are smokers in her apartment building are transient people from outside of CA. She doesn't think that there should be smoking allowed at all. A lot of smoke comes up from their balcony.
3/23/2015 2:40 PM

The person over the phone said that they are against smoke and second hand smoke.
3/23/2015 2:38 PM

very good idea
3/23/2015 2:37 PM

Smoking is not only an issue as it happens, I have lived in units here where smoking by previous tenants has so saturated the walls and structure that it continues to be noticeable and have impact (I am allergic) long after they have left.
3/23/2015 2:09 PM

I'm a nonsmoker and I'm certainly keen for any rental cars, hotel rooms and apartments that I use to be smoke-free. And I'm very grateful that smoking on aircraft was before my time. But I do wonder whether the whole "no smoking pretty much anywhere" push has gone too far. w.r.t. apartment dwelling, yes, I'd like my apartment and the laundry to be smoke-free, but I don't object to folks smoking outside, and it would be OK with me (maybe not with the landlord?) if there were designated smoking apartments. Anecdote: a while ago the tenant of the next-door apartment was asked to leave after, I gather, repeatedly flouting the no-smoking-inside rule, and I agree that that constitutes reasonable grounds.
3/22/2015 9:41 PM

I strongly support a smoking ban to multi-unit housing. My building, the marc, only very recently banned smoking (I should also mention the non-smoking signs are a joke and not forceful at all). As someone who was pregnant prior to the smoking ban, I found the smoke coming into our apartment to be unbearable. It's a horrible thing that I should I have to keep my windows closed to protect myself and my family. It's not enough to allow people to only smoke in their units. Most people would smoke on their porches and the smoke would travel. Please please please ban smoking in multi-unit housing.
3/22/2015 9:25 PM

The housing stock in CA is very poorly built, with little insulation between units. Thus, if one person smokes in the unit, it typically permeates the wall and transfers into other units. That's an immediate health issue, as well as something that devalues properties / is not easily or cheaply repaired. Smoking on balconies definitely impacts other units, forcing the non-smokers to close windows for the smokers habit. In pushing people out of smoking in / on balconies of units, you also need to be thoughtful of where they go to smoke. The current 15' barrier is grossly insufficient. Common areas are critical too -- my unit butts up again a pool of a neighboring complex and they unfortunately allow smoking at their pool. Ultimately, I need to have control over my personal health and property value,not be subject to the behavior of others to diminish. Rental property units are also typically all about keeping their cash flow going by keeping the customer happy and basically let anything go until someone complains, and then typically do little to address long term. They typically have deeper pockets to remediate smoking damage (in drywalls /carpet), so I hope you weight their input appropriately. They care about their bottom line, nothing else. Finally, d[ue] to the current overcrowding, a lot of bad rental behavior is going on -- running businesses out of MF housing units,

exceeding the occupancy limits, short term rentals. The city needs to be MUCH more aggressive in its policies so we are not benefiting the 1% who are buying up and renting out property at the expense of those living in a primary residence. Need residency rules, short term rental rules, etc.
3/22/2015 1:19 PM

Of far greater concern for the population of this city is the mostly odorless car pollution since most condos and townhomes are located next to heavily traveled street traffic. That is a far more difficult issue to mandate, so pick on a small minority of homeowners. Most owners have respect for their neighbors and do not smoke were others are affected. No balcony smoking is important. I smoke under my kitchen fan, up,up and away from everyone. I also am the owner of an older townhome with over 1200 sg. feet of garden space as do all my neighbors. I am greatly concerned about owning a 1 1/2 million dollar home for 30 years and the city is restricting my use of my private property.
3/22/2015 9:39 AM

Leave the smokers in peace, you're already harassing them too much. If you feel the need to micromanage someone's life, start inspecting the homes of every person receiving city-paid healthcare!
3/21/2015 4:29 PM

People should be allowed to smoke in the privacy of their home and surrounding common areas. It is up to their neighbors, not larger governing bodies, to establish standards regarding smoking and associated behaviors.
3/21/2015 1:42 PM

2nd hand smoke, cigarette butts on ground where my kids play.
3/21/2015 7:00 AM

I have never smoked, I don't care for second-hand smoke, but leave the poor smokers alone. They should be able to smoke in their own apartment.
3/20/2015 2:12 PM

Please extend restrictions to what is technically Stanford land - Stanford West specifically. people smoke in outdoor common areas and the smoke enters individual units. And affects families playing on playgrounds and in common areas. We are exposed to considerable second-degree smoke that could be completely avoided. Please help us protect ourselves--and especially our kids--from smoke exposure. Thank you!
3/19/2015 8:39 PM

Prohibiting smoking in multi-unit residential areas would be a breath of fresh air for people like me and my family. We are very sensitive to tobacco smoke. It causes irritation in our airways, allergies, asthma. We have other concerns, of course, such as second smoke exposure leading to grave health consequences up to lung cancer. We had to move before to avoid exposure to smoke. In our current apartment we are on the landlady's and neighbors' mercy. The owner is not willing to include a "no smoking" clause in the lease agreement. The landlady asks potential tenants if they smoke and is generally happy with a simple "no". There is no reinforcement. We had smoking neighbors before and it was hell because the insulation in these old apartments is poor. The smoke penetrates through electrical fixtures and perhaps cracks, just as sound does. We have to run from one room to another depending upon where our neighbors downstairs choose to smoke this time. That includes sleeping in different rooms at nights. Please ... please pass this ordinance. That will be a legal reason for us to try to protect our health and well-being. At present, we are helpless.
3/19/2015 6:50 PM

why stop there? Please ban fume spewing cars and trucks. Please ban the use of precious fresh water on grass.

3/18/2015 11:28 PM

While waiting until a condo unit is resold to enforce this restriction is more realistic, cigarette smoke drifts across units and affects the quality of life for all. It would be lovely to walk around our complex without having to pass by smokers. We have to close our windows whenever our neighbors smoke either tobacco or marijuana. We have had to invest in air filters to clear the air. Thank you for giving me and my children hope!
3/18/2015 6:26 PM

not in favor
3/18/2015 4:56 PM

Although I don't smoke, I think it's important to create areas where it's *possible* to smoke, so that smokers have a safe and legal place to smoke.
3/18/2015 4:15 PM

I believe that such an ordinance is highly discriminatory against the elderly smokers, some of whom are bed ridden, in wheel chairs, or otherwise partially incapacitated. In short, there is a war being waged against smokers.
3/18/2015 12:06 PM

I wouldn't mind if people smoke in their own unit, as long as the smoke doesn't enter my unit or any common spaces. Unfortunately, smoke is hard to control and most often invades all surrounding space, private and public.
3/18/2015 10:26 AM

How would this be enforced? The manager at my complex smokes, I believe both inside their apartment and in the back parking area. I smell it often. Would the city be willing to intervene in such a case, when there's a clear disincentive for the complainant to approach the smoker?
3/18/2015 8:54 AM

I believe smoking is restricted enough in PA and that people should be able to smoke in their own homes including patios & decks.
3/18/2015 7:36 AM

The smoke in other Condominiums seeps into my unit and makes my asthma worse. When people smoke outside in the designated area the smoke still enters the building. The more restrictions the better. I would like the freedom to breath[e]
3/18/2015 5:35 AM

In addition to the benefits you mention, it would also reduce the risk of fires
3/18/2015 12:07 AM

Smoking is a health and safety hazard to all residents.
3/17/2015 10:11 PM

Other people who come from the Glass Slipper Inn to our apartment complex and smoke around our building. In other words, people who don't live in our complex who come and smoke on our property is something that is difficult to monitor and control.
3/17/2015 9:36 PM

We own our condo and moved into it in late 2006. Our downstairs neighbors also own and lived here before us. They smoke sometimes and were better about not doing it in their unit when we had a newborn but over the years they have stared back up. It's especially bad in the summer / hot months

as we all have windows open and the smell comes in. Also, in our downstairs bathroom it frequently smells of [cigarette] smoke since it comes through the floor.
3/17/2015 8:33 PM

How would these rules be enforced? I have neighbor that smokes on her patio - it's awful to walk by.
3/17/2015 8:17 PM

I feel sorry for the smokers who will be excluded. But i also have lung cancer (tho' never a smoker) and *cannot* be in favor of any smoke affecting anyone but the smoker. Just call it "tough love"; making things tough for smokers is really for their own good . . . .
3/17/2015 7:49 PM

I empathize with a smoker who cannot quit smoking, but I am bothered by the smoke smell in our hallway. The resident who smokes does not smoke outside his/her unit but still the smell of smoke gets out to some extent.
3/17/2015 6:32 PM

We live in a multi-unit above a restaurant. Both workers and restaurant patrons smoke near walkways leading to our stairwell. It's worse on rainy days when everyone huddles around the stairwell as they smoke.
3/17/2015 3:55 PM

It should happen right away - impossible to escape the negative effects of smoking when in close proximity neighbors are smoking. Merely going to my mailbox makes my clothes and hair smell like I've been to a smoking bar.
3/17/2015 12:11 PM

Smoking should not be allowed within common areas and should be enforced.
3/17/2015 10:21 AM

One - Second hand smoke bad for the kids, who don't have a choice. Two - It sets a bad example. Three - When we moved in, there were lingering smell issues. Four - Broken window theory - when smoking is allowed, it leads to smoking things stronger than tobacco. (Again, the kids have no choice)
3/17/2015 7:02 AM
We live in an area where we have windows open at least 75% of the year. However, if someone was smoking outside of my complex or even on the road, I would be very affected by this smoke, even though I am inside my apartment.
3/16/2015 11:04 PM

Hello, there are several smokers in our complex that violate the rules and smoke near windows of other complexes. My children and I are regularly exposed to second hand smoke as it easily blows through the house with the cross-breeze, with a clear strong smell. Our landlords are unwilling to confront the violators. One excuse is that it's hard to forbid people from smoking in their own unit, including their outdoor enclosure, but that is directly under other units' windows.
3/16/2015 9:52 PM

I do not like smoking at all; but think people should be able to smoke in units they own. If rented, [landlord] can make it a no smoking unit.
3/16/2015 9:32 PM

I support smoking restrictions as smoke easily travels between units and it is a very unhealthy for others.
3/16/2015 9:20 PM

I've never been a smoker, but I don't support Palo Alto dictating so much of people's behavior in their own home. Apartment and condo complexes should be able to make their own rules on this.
3/16/2015 7:16 PM

I'm on my HOA board. How would such a regulation be enforced? Would we be liable if we did not monitor/report fellow residents? We really don't want to have to be involved.
3/16/2015 6:54 PM

I have no idea what the smoking restrictions in my building are currently. (I just guessed in my answer.)
3/16/2015 6:15 PM

Great idea, primarily for safety reasons
3/16/2015 8:53 AM

people should be able to smoke in the[ir] own homes
3/16/2015 5:42 AM

Please restrict cigarette smoking any way you can. Thank you.
3/16/2015 4:06 AM

I personally don't smoke, but I do feel strongly that if a landlord wishes, the landlord should be able to allow residents to choose to smoke in their units and/or common areas, rather than there being a blanket ban enforced by the city. Individuals (such as myself) who are bothered by smoke or worried about health risks could choose to stay in other apartment units where smoking was disallowed. In particular, I notice a greater acceptance of smoking in other countries outside of the United States, and it would seem unfortunate and intrusive to disallow people from smoking in the privacy of their own homes.
3/15/2015 9:32 PM

Neighbors smoke outside the window and it's constantly in my [apartment]. In general I support the restriction.
3/15/2015 7:38 PM

We live in dwellings that share or leak air because I smell others food cooking. Cigarette smoke is much more detrimental to my lung issues if it seeps into my apartment.
3/15/2015 5:20 PM

I have a toddler, and I live in an apartment complex with many toddlers. When someone smokes in common areas, it is hard for families with young children who wish to keep young ones away from smoke. It is not fair to one and two year olds who have no choice to breath the smoke.
3/15/2015 4:21 PM

We have a one year old and are very concerned with exposure to second hand smoke outside our apartment complex
3/15/2015 4:16 PM

Some residents in our multi-unit complex smoke on their balcony, while the children are playing on the few lawn areas right next to the balcony. I'd like to avoid my children having 2nd-hand smoking.
3/15/2015 3:56 PM

Nearly impossible to prevent smoke from seeping through to other units, or from outside.
3/15/2015 3:17 PM

I have had cancer and am concerned that I am being exposed to second hand smoke.
3/15/2015 12:24 PM

In the case of condominiums & townhomes which are occupied by the owner, this is an inappropriate - actually outrageous abuse of authority over the rights of property owners to do what they want in their own homes. You're actually going to tell me what I can & cannot do in my own home? Oh I've heard the "greater good" argument against all smoking, but I think in the case of condominiums & townhomes it's really about being free from oppression and free from abuse by authorities when you are in your own home. It looks to me like nothing more tha[n] an easy way for you all to grab votes in your next election. You'll be kicking the proverbial dog when he's down. I'm ashamed that something like this could be happening in my town. At the very least, you should "grandfather in" people who own their own homes and are breaking no laws. If you go through with this, I believe it will diminish property values because it will be perfectly obvious to anyone that you will next ban smoking in every home, not just multi-family. You are so full of yourselves! Sorry...
3/15/2015 12:17 PM

I have a neighbor who has moved to a bench in the next building (which is a commercial building - 735 Cowper) because he couldn't smoke in our building. Unfortunately it is right next door and so the smoke still comes into our bedroom but he is "off the property." Is he in violation if the 25 foot rule since he is within 10 feet of that property? What can I do the make sure the owners of that business take action?
3/15/2015 8:26 AM

Only restrict in shared-use areas (pools, walkways, etc) not inside dwellings.
3/14/2015 10:24 PM

You may be interested in speaking to me in that I have extensive experience with this issue. During 1979-1982 I was legislative assistant to State Sen. Alan Sieroty (D-West L.A.) who was very instrumental in getting the statewide law banning smoking in public places passed. During 1982-83 I served as lobbyist for Californians for Non-Smokers' Rights.
3/14/2015 7:39 PM

Smoke has such a way of penetrating carpets, drapes and walls
3/14/2015 6:22 PM

[Frequently] there are people smoking marijuana & sometimes crack. the neighbors complained about all the marijuana smoke wafting over and about all the teenagers hanging around waiting for the drug dealer. Parents & Grandparents would not let their kids play in the kiddie yard because of the drug use. Yes, the police were called. As long as they all have a marijuana card it is okay. I am sure this is what they are told by the City Mgr and certain politicians. Like that deal no smoking cigarettes in the parks. the idea is to keep more normal [people] out of the parks to allow drug [dealing] which bring in lots of money from the State and Federal Govt because it causes lots of crime, destroys lots of families. The stated reason to ban smoking in multi-unit buildings is discriminatory and the stated reasons do not wash for banning it in this area. but there are some on City Council who certainly don't mind discriminating against one segment of the population for no good reason!
3/14/2015 5:51 PM

Smoking indoors is harmful to everyone exposed to it.
3/14/2015 4:52 PM

Definitely no smoking outside within 100 feet of any unit. Inside smoking must be done with windows closed; okay to exhaust the smoke with a fan up out the roof.
3/14/2015 4:20 PM

This will be an emotive issue for many and it's brave that this is being proposed; especially around an individual's home. However it's necessary and I support the initiative.

3/14/2015 4:08 PM

Many smokers in my Oak Creek Apts. do not wish to smoke inside. Hence they smoke on the balconies and terraces causing that smoke to be "inhaled" into other apartments via the heating / AC and windows. It is awful! So we get their smoke inside our units.
3/14/2015 2:32 PM

This questionnaire is very poorly worded and the answers would lack statistical significance. Certain of the questions should best be answered with checkboxes. Others are not clear on whether they are asking whether we are currently bothered by smoke, or whether we would be if smoke were present.
3/14/2015 12:50 PM

I believe Palo Alto should be a Non-smoking city
3/14/2015 12:34 PM

Second hand smoking is not to tolerate.
3/14/2015 12:17 PM

I think this is the best idea ever. I don't have issue with it now, but I've had issues in the past in other places that I've lived. Smoking kills, and so does 2nd hand smoking. It just shouldn't be allowed anywhere that it can get into anyone else's person space.
3/14/2015 10:55 AM

While I am not an habitual smoker, I do (on very rare occasion) enjoy a cigar or pipe tobacco. I understand the desire to regulate this filthy habit, but the proposed ordinance is an infringement on people's individual rights. The basis of "second-hand smoke" is [shaky] at best, and certainly not enough to stand up to free rights of the people in this Country. While I would never file suit against the City if this ordinance were enacted, I am certain that someone will ... and they will have very solid footing for their case.
3/14/2015 10:00 AM

I'm sick of the cigarette butts that litter the property.
3/14/2015 9:36 AM

I am support of restricting smoking in multi-unit dwellings.
3/14/2015 8:49 AM

Concern for safety when smokers would break the ban and therefore increase danger such as potential for fire
3/14/2015 8:29 AM

Recently, our apartment building and the apartment building next door became non smoking. I don't think there are smokers in our building, but there are occasionally visiting smokers walking around the property, in spite of the manager firmly prohibiting any smoking anywhere by anyone on the property. I do like the smoking ban as assurance that I will neve[r] have to tolerate sharing walls with a smoker. But, there has been an unintended consequence. The building next door has several tenants who smoke. Since they can no longer smoke in their apartments, they smoke on the sidewalk in front of both of our buildings. Some walk back and forth along the border between their property and ours. I have talked to their manager about this, to very little avail. My unit is bordered by their property and the sidewalk. So, the smoke from people smoking on the sidewalk in front of our building (and the best tree for smoking in the shade on the street is directly in front of my unit) comes into my unit. It is bad enough that last summer I could not open my windows without the place reeking of smoke. I had to shell out for [a] room air conditioner and the bills to run it. Thus, policies meant to decrease smoke exposure, in my case, have increased it. Before, most of these

people would have been smoking inside their own units in the building next door and not getting their smoke in my home! I would love to see non smoking ordinances expanded to not only prohibit smoking in multi unit housing and on the grounds of multi unit housing, but to prohibit it within 25 feet of any multi unit structure, even if that includes the sidewalk and street.
3/14/2015 12:11 AM

Currently, none of my neighbors smoke. However, I am concerned that in the future, smoke from adjoining units might exacerbate respiratory conditions. Further, infants and small children are particularly susceptible to the ill effects of cigarette and cigar smoke.
3/13/2015 8:06 PM

Instead of wasting our money on smoking survey, I would do the survey why 99% of landlords does not allow cats to live in apartments. This should be the priority, and not smoking.
3/13/2015 7:46 PM

Living in a building where outdoor smoking is banned on building property, I can say that being forced to smoke inside the apartment, where it is allowed, to be much more of a health hazard than simply allowing people to smoke outside in the first place.
3/13/2015 6:56 PM

Smoking on porches outside rises to apartments above It should be banned on porches as well as inside apartments
3/13/2015 6:24 PM

The smoke bothers me that comes from the ARCO next to our building, so this ban would not change the smoke coming into my apartment.
3/13/2015 3:44 PM

As a parent with elementary age children, I am deeply concerned about the amount of second hand smoke (and cigarette trash) we are exposed to at our building. The stairwells, elevators and parking garage are smoke traps that my children have to pass through daily to get to and from our home.
3/13/2015 2:59 PM

it's horrible especially when people, to keep away from rain or elements, smoke in enclosed outdoor areas where the smoke lingers - please pleas[e] please pass and ENFORCE an ordinance - horrible for my health, as well as my children's & pet's
3/13/2015 2:12 PM

i definitely think that smoking should be restricted. It is a health hazard.
3/13/2015 1:45 PM

I'm very much in support of restricting smoking in multi-family buildings. It may save lives, and it would certainly improve lives of children and people with asthma and allergies.
3/13/2015 1:37 PM

At Loma Verde Village we have 39 units but no smoking restrictions. Smokers come outside their unit to smoke in the common areas and leave cigaret[te] and cigar butts.
3/13/2015 12:13 PM

Often people smoke on the sidewalk outside our building and the smoke rises up and surrounds me and my pregnant wife :(
3/13/2015 11:25 AM

I don't smoke but I don't support this. I think it is a punitive burden on people who live in multi-unit dwellings.
3/13/2015 10:57 AM

I would not support smoking restrictions inside anybody's home, whether it is a house or an apartment.
3/13/2015 9:27 AM

Limiting smoking to outside areas only is not an ideal solution. Smoke gets carried inside by people smoking right outside the door. It makes entry and exit a dangerous place for me and my children, when we have to hold our breaths and run past the smokers. Designated smoking areas outside away from entrances and exits is more respectful to other residents.
3/13/2015 8:53 AM

No - I strongly support it. Our neighbor upstairs smokes pot and tobacco both on his patio and in his apartment. We often have to close the windows because the smell is so strong. As someone who has never smoked, I do not want to be exposed to his secondhand smoke, which is a known cancer risk. We also live in a complex with a large number of small children and I strongly believe they should not be exposed to this disgusting habit.
3/13/2015 8:30 AM

I think people should be able to smoke in and outside of their home (on their property / balcony)
3/13/2015 8:24 AM

I had a neighbor in the apartment next to ours who were heavy smokers and I got the second hand smoke into our apartment; also it was heavy in the foyer area next to our apartment. I am allergic to smoke and it cause really both allergic problems and unpleasant smell. I complained several times to the apartment management but they said that because of the city ordinance they cannot ask the tenants not to smoke. This continued for 1.5 yrs ....
3/13/2015 8:12 AM

Thank you for considering this policy change--it is VERY MUCH needed. I am an assistant professor at Stanford, and live at Stanford west apartments. I find it absolutely ludicrous and disgusting that smoke from adjacent units is entering my home. This housing complex is full of children, and in 2015 there is just no place for second hand smoke in multi-unit housing. Again, THANK YOU for adopting these changes!!
3/13/2015 7:30 AM

I do not support any citywide ban on smoking for multi-family buildings. It should be the choice and policy of each individual building owner.
3/12/2015 11:53 PM

Please prohibit smoking in common parking areas! Our bedrooms overlook the parking lot and when residents smoke there, it wafts up into our windows. We cannot leave windows closed at all times, and by the time we smell smoke, it's too late. Very distressing especially to have our infant and preschooler exposed to second hand smoke in our own home. Thank you!
3/12/2015 11:43 PM

Smoking is nasty and unhealthy not only for smokers, but also for those around them. Too many smokers are inconsiderate, and most are litterbugs. In and around multi-family buildings, smoking is a nuisance and a fire hazard.
3/12/2015 11:31 PM

Please actually enforce these bans if they go into place! I lobbied my landlord to get a ban on our complex and it went into place last year. My upstairs neighbors smoking was irritating my allergies and the ash that was always on my balcony was gross.
3/12/2015 11:23 PM

The owner banned smoking last year after discovering that smoke-laden air from one apartment would flow through the bathroom vents to other apartments.
3/12/2015 11:22 PM

Please ban smoking in all common areas. We have small children that get exposed to second hand smoke from our neighbors, and it is horrible.
3/12/2015 10:50 PM

I am not a smoker, and hate smoking. However, I am not in favor of banning smoking in peoples apartments. Let the landlords decide if they will allow smokers in their units. I also think smoking should be allowed on the balcony of multi-family buildings. I have friends who smoke and allow them to smoke on my balcony when they visit. I am in favor of not allowing smoking in common indoor areas, but I have never had a problem in my unit. I think there is no need to add regulations in this area.
3/12/2015 10:02 PM

Presently, smokers in this complex go outside the common areas to smoke.An ordinance might help keep it this way in the future.
3/12/2015 9:23 PM

Please pass this ordinance b/c my children and I get sick from the second hand smoke and should not be subject to it.
3/12/2015 9:15 PM

2nd hand smoking is very bad to other people. It should be restricted in all area.
3/12/2015 8:35 PM

With the length of time tenants stay in rentals here there should NOT be ordinances restricting smoking in their unit.
3/12/2015 8:15 PM

I have neighbors who smoke and the smoke goes into my apt.
3/12/2015 7:50 PM

The neighbor below our unit is a chain smoker and is home all day. We cannot go outside onto our deck because of the smoke and in the summer we can't leave our windows open. The smoke carries through the common areas as well. This ordinance is long overdue!
3/12/2015 7:44 PM

People deserve having smoking places (let them be designated) regardless whether they can afford single family home or not!
3/12/2015 7:30 PM

Smoking is permitted here outside only in a tenant's private patio or on their deck, and has not presented any issues. No smoking is allowed inside any unit. Guest have gatherings here and there. Sometimes a few guests do smoke a cigarette or two out on their patio/decks. Not allowing this option would potentially have tenants move. Our tenant retention rate is around 7-10 years, at a minimum. Smoking is not allowed in any common areas, nor around the pool, again only in their private patios (yards) or decks.
3/12/2015 6:10 PM

Yes, it's very troubling that smoking is currently allowed in our building as we have young children who are exposed to the smoke. People commonly smoke on their balconies which comes in through our open windows, and there is also some shared internal ventilation in the building which brings in smoke.

3/12/2015 5:42 PM

The opposed ban obviously overlooks the increasing widespread use of marijuana that, for example, my husband and I reported multiple times to our landlord but went unheard because of "fear of discrimination" towards smokers. Marijuana smell and fumes go through shared ventilation systems in the same way tobacco does. Unfortunately, given the current socio-political climate, not only is marijuana's use tolerated at recreational level, but also encouraged by an obvious lack/disregard of regulations, even though marijuana produces second-hand smoke just like tobacco does, and research is still debating over the safety of marijuana exposure on growing brains such as children's. As the daughter of smoking parents, and mother of two young children, I consider this gap in the legislation an example of blatant discrimination towards those who do not want to have [to] breath[e] in smoke from others, regardless of the substance(s) used to inhale.
3/12/2015 5:28 PM

I think it's a great idea to restrict smoking. We are fortunate that very few people in our complex smoke. For new renters with health issues such as asthma, it would give peace of mind to know that the previous tenants didn't smoke in the apartment.
3/12/2015 4:55 PM

Second hand smoke is hazardous and should be banned from multi unit dwellings including condos.
3/12/2015 4:42 PM

It's a health issue. We have owners who choose to smoke outside and we have a place for them.
3/12/2015 4:27 PM

I urge the city to ban smoking in multi-family units, to protect the health and quality of life of nonsmokers. In my family's case, we are unable to open many windows, because if we do, smoke pours in from a downstairs unit where the resident smokes. We live in a unit with no air conditioning and big windows, so the unit gets quite hot. It is a real hardship when we can't open windows, even though the inside temperature in our apartment is 85, 90, or 95 degrees.
3/12/2015 4:06 PM

People in building next to us smoke and all the smoke comes in our unit, so even tho[ugh] we aren't smoking we get the second hand smoke which is very nasty.
3/12/2015 3:27 PM

How on Earth can it be enforced. Neighbor against neighbor, how will police determine if someone is smoking in their own apartment? What about Medical Marijuana, will it be allowed since it's medical? Lawsuits will happen.
3/12/2015 3:16 PM

I would be highly in favor of a ban on smoking in all multi-family residences, without any "grand-fathering" clauses.
3/12/2015 2:40 PM

The person on the phone said that there is smoking available in the common areas but has never witnessed anyone using it.
3/12/2015 2:02 PM

none
3/12/2015 1:56 PM

The person on the phone said that it is a great idea to restrict smoking and the time has come.
3/12/2015 1:55 PM

The person on the phone said that people are smoking on both sides of her for 20 years. She has to close her windows as a result. She has bronchitis and is in poor health. She thinks that people should at least smoke inside or stop smoking if requested. She said that people in apartments need to find places where no one can be hurt by their smoking.
3/12/2015 1:53 PM

The person on the phone said that even though smoking is prohibited, people smoke in the common areas.
3/12/2015 1:35 PM

The person on the phone said that she lives at Oak Creek Apts.
3/12/2015 1:32 PM

The person on the phone said that there are two heavy smokers who live next to her and it bothers her a lot. She lives in low-income housing and there is nowhere else for her to go to get away from the smoke. The person smokes 24 hours a day. She previously had a neighbor who had to move out because there was smoke everywhere. She is in poor health and is not able to talk and breathe normally because of the smoke. She also would like to say on behalf of her 5 friends who are 80-90 years old, there is no place for them to breathe anymore away from the smoke. She would like the City of Palo Alto to send a letter to her apartment building at Palo Alto Gardens on 650 Antonio Road to tell them to stop allowing smoking.
3/12/2015 1:30 PM

The proposed ban will disproportionately affect working-class people who tend to live in multi-unit apartments, as opposed to people who can afford houses in the overpriced housing market of Palo Alto. Furthermore, there is a huge difference between direct inhalation of second-hand smoke and simply being able to smell smoke from an adjacent unit--while it may be unpleasant, smelling smoke causes no serious health effects. The proposed ban would encroach upon rights that Americans should have in the privacy of their own homes, whether those homes are simple apartment units or individual houses. Finally, a person who thinks that it is ok to litter cigarette butts, rather than place them in dedicated receptacles, is probably the same person who will leave behind gum wrappers, beer bottles, and other trash, so the environmental argument for this ban is just as weak as the health argument--if you want to address littering, then enforce littering laws, not smoking bans.
3/12/2015 1:26 PM

The person on the phone thinks that there should be no restrictive laws on smoking or else he has to move.
3/12/2015 1:20 PM

The person on the phone said that condos should have their own set of bylaws for smoking to follow. She thinks that the condos should decide for themselves what kind of smoking restrictions they should have.
3/12/2015 1:19 PM

Not sure why Palo Alto is spending time on this. Would like to see better traffic enforcement, fix the roads and enact an office cap, for starters.
3/12/2015 12:00 PM

the smoke easily wafts into the windows and sliding glass doors, making the children and I cough.
3/12/2015 10:42 AM

2nd hand smoke is such a health hazard. It would be great to ban smoking in multi-unit buildings as it affects everyone in the nearby vicinity of the smoker.
3/12/2015 10:09 AM

Smoking is a serious public health concern. Quality of life at home and one's quiet enjoyment of property in a multi-family building is significantly negatively impacted where smoking is permitted. A ban on smoking in multi-family buildings would encourage a healthy lifestyle and community as well as allow citizens to enjoy their time at home without exposure to offensive and toxic smells.
3/12/2015 10:08 AM

Unfortunately it is impossible to restrict the movement of smoke from one area to another in multi-unit dwellings--and the tendency of fellow building residents to smoke on their balconies means that I must close my windows and balcony door to avoid smelling smoke in my own unit
3/12/2015 10:05 AM

Please ban all smoking from all multi-family buildings including those owned and operated by Stanford University. I live in Stanford West and while many smokers are considerate and take to the path furthest from buildings to smoke, others smoke in courtyards or inside houses and the smoke permeates our unit. We're forced to lock down our doors and windows to prevent smoke from entering our unit which is particularly frustrating during the warm summer months. We have a small child and are expecting another. The facts are clear on secondhand smoke. Secondhand Smoke Causes, cardiovascular disease, lung cancer, SIDS and harms children (Source: CDC, available online: http://www.cdc.gov/tobacco/data_statistics/fact_sheets/secondhand_smoke/health_effects/). Stanford University has failed to move forward on a smoke-free campus despite colleges across the US going smoke free and leaving Stanford behind in health promoting policies and endangering its staff, faculty and families.
3/12/2015 9:50 AM

Please let people smoke cigarettes and e-cigarettes. I do not want to inconvenience my neighbors who smoke regularly, but I would encourage them to cut down. It is, however, his or her life and his or her decision. I am a social/occasional smoker and it is an enjoyable part of my life. I like to smoke at parties and with friends, or out for a walk by myself. I estimate that I smoke less than 15 cigarettes per year, and I enjoy them. Those who are addicted smokers should be encouraged to cut back and given support to do so, not banned from smoking entirely. Discussions of prohibition on smoking tend to categorize people as addicted smokers or non-smokers. The media does not talk about drinkers as alcoholics or teetotalers and accepts that social drinking exists. It is a myth that people cannot be social smokers. I have been a social smoker for over a decade, as have most of my friends. Why is the conversation about banning cigarettes entirely, instead of talking about smoking in moderation? Prohibition of alcohol did not work in the last century. Prohibition of smoking will not work in this one. Many people find smoking [pleasurable]. Many people find drinking [pleasurable]. We are adults. Cigarettes should be sold in smaller packs to support social smoking - it is irritating to buy a pack of 20 when I only want 1 or 2, and so I have switched to e-cigarettes. If everyone smoked in moderation, those who are bothered by second-hand smoke would have much less exposure. I do not support a ban on smoking in multi-unit housing.
3/12/2015 9:46 AM

Will be difficult to enforce particularly with all the international foreign resident population we have here at Stanford West
3/12/2015 9:34 AM

question 7 doesn't ask if we don't want any restriction as a choice. i do not want the government to restrict my freedoms.
3/12/2015 9:20 AM

Banning smoking in multi-unit housing moves the smoking out to the street - which worsens the problem of cigarette butt litter. An effective policy should address this issue.
3/12/2015 9:19 AM

none

3/12/2015 9:08 AM

As a property owner of a condominium unit, it should be my decision whether to smoke or not smoke inside my home. Let me emphasize the word "home". Owner-occupied homes, including condominiums, deserve the right to make that decision for themselves.
3/12/2015 9:04 AM

I fully support this initiative but question how it would be enforced. Many landlords in Palo Alto do little to enforce their own regulations, let alone a city initiative like this one.
3/12/2015 9:03 AM

If an owner wishes to restrict smoking inside a unit, that is fine and their prerogative. Do NOT believe it is the city's role to determine smoking in a residence.
3/12/2015 8:58 AM

Really hope this passes!
3/12/2015 8:54 AM

I shouldn't have be subjected to unhealthy second-hand smoke due to living in an apartment building.
3/12/2015 8:42 AM

I think it should be restricted. People in my building smoke on their own balcony or outside, and it blows in through my windows when they're open.
3/12/2015 8:03 AM

second hand smoke has put me into the hospital on more than one occasion.
3/12/2015 7:34 AM

I currently take both QVAR and Albuterol twice a day for breathing problems and would welcome a smoking ban on the property I live in and surrounding multi-family complexes. Also, please ban smoking on the sidewalks and roadways because, for some bizarre reason, people smoke right outside my unit thinking it's OK because they're outside. Please ban tobacco, vaping, and marijana. My neighbors in an adjacent building smoke pot in their patio about once a week or so, and that's the worst for those with breathing problems.
3/12/2015 6:22 AM

I haven't been able to open the doors and windows on my deck because the person below me constantly smokes, The person does not work and is always at home. Neighbors have tried to explain how their smoking is bothering them but this person indicates the[re] is no law to prevent them from doing it. PLease pass the ordinance and do not make exceptions to it. Thank you for listening.
3/12/2015 6:07 AM

I really hope this is a joke. This proposal falls way outside the city's role in protecting it's citizens' health and well-being. Even if this were enacted, it would be absolutely meaningless because it is hopelessly unenforceable and will never deter a regular smoker in the slightest. This is by far the most absurd thing I have ever heard the city propose.
3/12/2015 2:59 AM

Smoke from neighboring apartment units permeates into adjacent units, even when the windows are closed. It is a respiratory irritant.
3/12/2015 12:53 AM

Please do this!
3/11/2015 11:55 PM

What about pot-smoking and vaporizers? I think these should be addressed also.
3/11/2015 11:17 PM

Smoke from smoking on unit balconies and courtyards blows into open windows, which is bad for my health (and our neighbors' asthmatic kids), and there's currently nothing we can do about it but close our windows and use air conditioning or fans
3/11/2015 10:57 PM

I believe that, when care is taken to ensure others are not disturbed, outdoor smoking does not constitute such a significant nuisance that it should be banned.
3/11/2015 10:52 PM

questions #3 and #6 I did NOT know the answer to but i was forced to answer so i made up an answer. You did not provide a DO NOT KNOW choice. I do not know what the rules of my complex are as it never pertained to me.
3/11/2015 10:48 PM

Let's do it. I am really bothered by the 2nd hand smoke from units and common areas. I often see the unsightly cigarette butts littering the grounds here at Palo Alto Greenhouse.
3/11/2015 10:17 PM

The multi-unit housing I live in says they do not allow smoking, but it isn't enforced. Neighbors of mine smoke on their balconies and make it very uncomfortable for me to be on my own balcony, as the smell of smoke really bothers me. A city-wide ban on smoking may help my landlord enforce these rules more effectively.
3/11/2015 9:55 PM

I would hate to see the cigarettes end up in the streets/gutters because people have to go out to public areas to smoke, but even a hint of cigarette smoke nearby/wafting into my windows makes me incredibly sick - so I would welcome getting rid of it altogether if that was possible...
3/11/2015 9:30 PM

While I'm not a smoker nor is anyone in my unit, I think that it's within one's right to smoke within their private domicile. The suggested smoking ban is quite different from smoking bans in a public areas, where there is free circulation of smoke-laden air between the smoker and other members of the public. This free circulation of air does not exist in a multi-unit building, provided the door of the smoker's unit is not propped open for extended periods of time while smoking.
3/11/2015 9:12 PM

The proposal is an outrageous violation of property rights.
3/11/2015 9:04 PM

Smoking has a very definitive and severe impact on my quality of life. During warm weather we've had several days where we can't even open our windows because of smoking outside the unit. In addition, we have an 18 month old and I find it absolutely disgusting that she needs to be exposed to smoke when playing outside. In addition, the butts left on the ground are unsightly and I shouldn't need to see these in the vicinity of where I live.
3/11/2015 9:00 PM

I smoke on my balcony. I had to get an approval to smoke on my balcony from my neighbors and apartment manager. I think that the choice to allow smoking should remain on the apartment management and not the city.
3/11/2015 8:42 PM

Cigarette smoke from other units, even when others smoke outside on their decks, wafts into our unit.
3/11/2015 8:41 PM

I don't want to get second hand smoke, but my biggest concern is that some people walk while smoking, and it's very dangerous not only for other people but also for children because their cigarette is at the height of the childrens' faces.
3/11/2015 8:15 PM

Tobacco smoke has never been a problem where I live. Other smoke on the other hand...
3/11/2015 8:12 PM

Include all forms of smoking - not just tobacco - as marijuana legalization appears to be a matter of time (e.g. many DA's don't enforce portions of statutes now)
3/11/2015 8:11 PM

Even though I rent, I do not support a smoking ban on owner-occupied condo units, especially allowing grandfathering in. I think that smacks of elitism, excessive personal restriction on those not wealthy enough to purchase a single-family dwelling here, *and* it will reduce marketability.
3/11/2015 7:48 PM

As long as it does not bother other neighbors, smoking should NOT be banned in multi-family buildings, apartments, etc.
3/11/2015 7:42 PM

My five-year-old is exposed to second-hand smoke from the downstairs neighbors. When considering homeowners' rights, don't forget about my right to be smoke-free.
3/11/2015 7:18 PM

It needs to be banned in all residential areas and in parks that are right across the street. The litter is awful and the noxious fumes are intolerable
3/11/2015 7:13 PM
I am an owner and the Board president in a small, one story condominium in Palo Alto. I live in my unit. There has never been any concern expressed whatsoever in our association during my roughly 10 years on the board about smoking inside the units. This kind of regulation seems vastly overreaching to me.
3/11/2015 7:12 PM

I believe that people should have rights to smoke or not smoke in their property. You are going to legalize a marijuana, and at the same time trying to expand the city's Smoking ban. Please let people to decide to smoke or not to smoke in their properties.
3/11/2015 7:11 PM

It is unreasonable to create a situation where smokers would not be able to smoke in their own home. Please not pass this ordinance!
3/11/2015 6:55 PM

Vendors including construction, gardeners, and other service people smoke but are not banned - should be.
3/11/2015 6:53 PM

We lived for 4 years above an elderly woman who smoked we had a newborn and she would smoke with window open we worried she would fall asleep with cigarettes lit there was nothing we could do about her smoking
3/11/2015 6:39 PM

Second-hand smoke is a carcinogen that caused my brother's lung cancer. Non-smokers shouldn't have to pay the consequences for smokers' poor choices.
3/11/2015 6:35 PM

At Oak Creek, smokers can leave their apt. doors open to air out their smoke into our common hallways. yuck.
3/11/2015 6:04 PM

No. If people want to smoke it's their right and whether its allowed in the unit itself should be worked out with the owner of the unit.
3/11/2015 5:59 PM

Please ban smoking inside multi-family buildings and outside of them to a distance of 25 ft. or more. Although our landlord forbids smoking within our building, tenants who smoke simply go just outside the building to smoke. The smoke still comes through our open windows and bothers us, but right now we can't do anything about it because the smokers are technically not within the building or its grounds when they smoke. It would help if Palo Alto would ban smoking both within multi-family buildings and also within a large radius around them. It would also help if Palo Alto would enforce the ban on smoking within 25 ft. of a restaurant - we've had meals ruined by people smoking less than 25 ft. from restaurant doors and/or patios.
3/11/2015 5:53 PM

I generally support smoking bans in all public places, including apartment buildings.
3/11/2015 5:52 PM

The residents of a multiunit housing have a right to decide their own policy. The City should not impose rule restricting residents rights in their own homes.
3/11/2015 5:30 PM

I am worried about our health and the health of little ones.
3/11/2015 5:16 PM
i live in a mixed age property that is old, run-down, and has bad ventilation, plumbing, and yet they allow smoking. They even took away all our rights as Palo Alto residents and aggregated all utility bills; charging a $3 admin fee to administrate based on a RUBS system because this old property and profit seeking management (not Gerson Bakar but his managers) can pass costs onto residents. RUBS of course is based on sq ft allocation irrespective of # of persons (1, 2, 3) in a unit or age of residents (e.g.: young families with young children & babies). This property on Sand Hill should be REQUIRED to upgrade their system to a unit by unit actual meter allocation. People dare not complain - they are shut down. No one listens.
3/11/2015 5:10 PM

My concern is that restricting smoking would not be enforced.
3/11/2015 5:09 PM

I have two small children and hate when people smoke outside our windows because their smoke comes into our apartment and infringes upon our family's right to breathe clean air.
3/11/2015 4:51 PM

Smoking travels through atriums/lightwells in our condo and forces me, as a nonsmoker, to keep our windows shut so my daughter doesn't breathe the second hand smoke. So YES, I think it should be banned.
3/11/2015 4:48 PM

Please do it.
3/11/2015 4:20 PM

We are a condo property. All of our units are individually owned but there is an Association board that can make rules
3/11/2015 4:12 PM

My low-income privately owned apartment complex allows smoking in units and on patios and balconies. Neighbors nextdoor and below me smoke at all hours of the day and night, making it impossible for me to open my windows. Even with my windows closed, some people smoke leaving their doors open and smoke fills the hallways. Even with all of the windows closed it also spreads throughout the building through the ventilation system. I have spoken with my neighbors and the apartment manager. I would suggest that they create a designated smoking area in the parking lot a fair distance from any doors or windows, or at the very least limit smoking on balconies and patios that are adjacent to other units. Most of the residents in my building are low income senior citizens, many with health issues like myself.
3/11/2015 3:52 PM

The person on the phone said that "in bars, schools, etc you cannot smoke, but the one place where you can't stay away from which is your home you cannot get away from the smoke". As he's gotten older, smoke really bothers him and it is very bad for his health.
3/11/2015 3:37 PM

I have lived in a unit where my downstairs neighbor smoked and the smoke was perceptible in our unit as well, and unpleasant.
3/11/2015 3:24 PM

Currently smoking is restricted on the property but some tenants do not respect. I had to leave one night to get away from smoke. Also smokers from adjacent properties are smoking on sidewalks adjacent to building, can't walk down the street without getting triggered and needing to use rescue inhaler.
3/11/2015 3:21 PM

Unfortunately smoke travels and invades even at distances. There's no sure protection from it except to forbid it.
3/11/2015 3:01 PM

Like the plastic bag ban, this is a welcome ordinance - make good choices for our future!
3/11/2015 2:09 PM

People in adjacent condos throw their butts over the fence into our garden, and their smoke wafts into ours - disgusting!! We feel invaded.
3/11/2015 12:56 PM

At our condo we allow smoking within units but not in any common area. As a Board Member, I fail to see how we can enforce a smoking ban inside units. What support would there be from the City? Already, there are a few smokers you congregate on the public sidewalk in front of our unit and the City has been unwilling to enforce it's smoking ban there.
3/11/2015 12:19 PM

I'm actually preparing to move out of Palo Alto because the smoking in my complex is so bad. Unfortunately, my apartment's management has been less than sympathetic to my complaints, and I doubt this ordinance will be passed in a manner to help me, but it will help whoever moves in after me. The people who smoke live below me, and so all of the smoke is in the walls and floors of the apartment and I hate it. I'm considering moving to Mountain View, because they just implemented a smoking ban similar to this proposed one.
3/11/2015 11:05 AM

Restricting smoking in multi-family buildings is a good next step for Palo Alto
3/9/2015 12:36 PM

Attachment B

County of Santa Clara
Public Health Department

Public Health Administration
976 Lenzen Avenue, 2nd Floor
San José, CA 95126
408.792.5040

April 15, 2014

Dear Mayor and City Manager,

The Santa Clara County Public Health Department is committed to creating a healthier community for all residents where they live, work, learn, and play. Santa Clara County has been a leader in protecting the health of its residents – children and youth in particular – from the devastating consequences caused by tobacco use. We recognize that Santa Clara County cities are essential and committed partners in achieving this shared mission and goal for all of our county residents and workforce.

Unfortunately, the rapidly increasing use of electronic smoking devices (commonly referred to as electronic cigarettes, electronic cigars, electronic cigarillos, electronic pipes, electronic hookahs, electronic vapes, or vaporizers), threatens to undo much of the social norm change around tobacco use which has largely resulted from health and tobacco prevention policies like the ones implemented by the County and cities throughout Santa Clara County. Public health advancements could be undermined by the unrestricted use of e-cigarettes, which produce a smoke-like aerosol in public, and widespread, unrestricted advertising of such products in ways that have been restricted for cigarettes and other tobacco products for decades. The use of these products presents health hazards to the users and potentially to bystanders as well. These products are being sold and used in this County but are currently unregulated by the federal government.

Despite the lack of regulation at the federal level, many communities across the United States and California, including most recently the County of Santa Clara, Morgan Hill, Sunnyvale, and Milpitas, have moved forward with regulating the use and sale of e-cigarettes in their jurisdictions. On March 25, 2014 the Santa Clara County Board of Supervisors amended the County's No Smoking Policy, prohibiting the use of electronic smoking devices within any enclosed structure owned or leased by the County, with plans to discuss expanded regulation on the use and sale of e-cigarettes for the unincorporated areas in May.

In the absence of regulation by the Food and Drug Administration, these products are widely available for purchase in this County. Children and adolescents are particularly vulnerable to the renormalization of smoking through the use of e-cigarettes. Youth are now witnessing smoking behaviors in public spaces that have been smoke-free for most, if not all, of their lives. Youth are also being exposed to e-cigarette advertising on television, something that has been prohibited for decades for traditional tobacco products. The result of all this is that youth are rapidly taking up e-cigarettes. A CDC study showed that in 2011, 4.7% of all high school students had tried e-cigarettes and that in 2012, that number increased to 10.0% of all high school students.

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County Executive: Jeffrey V. Smith

Given the current lack of regulation and preliminary data demonstrating potential health hazards, the Public Health Department recommends a precautionary approach in regulating the use of e-cigarettes, until their safety is conclusively established. The Public Health Department is here to assist cities in this effort to better understand the issue of electronic cigarettes and to provide data and evidence regarding the rationale for regulation of these products in your community. Additionally, our County Counsel's office is available to speak directly with counsel for cities that have any questions or concerns regarding the legal authority for regulation.

We encourage you to take action on this important public health issue, and reach out to our staff who are available to assist you in your efforts.

If you would like further information or assistance related to the regulation of electronic smoking devices, please contact Nicole Coxe at the Public Health Department at (408) 793-2745 or nicole.coxe@phd.sccgov.org.

Sincerely,

Daniel Peddycord, RN, MPA/HA
Public Health Director

Sara H. Cody, MD
Health Officer

CC: City Council

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The Public Health Department submits the following findings of fact for the Board's consideration and adoption in support of regulation of the use and sale of electronic smoking devices.

Ordinance No. NS-625.7 (General Restrictions on the Use of Tobacco Products and Electronic Smoking Devices) and Ordinance No. NS-625.8 (Restrictions on the Use of Tobacco Products and Electronic Smoking Devices in Multi-Unit Residences)

1. Electronic smoking devices—commonly known as "electronic cigarettes," "e-cigarettes," "e-cigars," "e-cigarillos," "e-pipes," "e-hookahs," or "electronic nicotine delivery systems"—are electronic and/or battery-operated devices designed to deliver nicotine, flavor, and/or other substances in an aerosol or vapor form inhaled by the user.[i]
2. Electronic smoking devices are often designed to look like and be used in the same manner as conventional cigarettes.[ii]
3. Electronic smoking devices often mimic conventional tobacco products in shape, size, and color, with the user exhaling a smoke-like vapor similar in appearance to the exhaled smoke from cigarettes and other conventional tobacco products.[iii]
4. Between 2010 and 2011, adult awareness of electronic smoking devices increased significantly, and the percentage of adults in the United States who had ever used an electronic cigarette approximately doubled.[iv]
5. Use of electronic smoking devices by youth has increased significantly in recent years, as evidenced by findings from the 2011 and 2012 National Youth Tobacco Survey[v]:
    - Between 2011 and 2012, the percentage of all students in grades 6 to 12 who had ever tried an electronic smoking device doubled from 3.3% to 6.8%. 9.3 percent of these students reported in 2012 that they had never smoked conventional cigarettes.
    - Between 2011 and 2012, the percentage of all high school students who had ever tried an electronic smoking device more than doubled from 4.7% to 10.0%.
    - 7.2 percent of these students reported in 2012 that they had never smoked conventional cigarettes.
6. The Surgeon General has found that the chemical nicotine is a powerful pharmacologic agent that acts in the brain and throughout the body, is highly addictive, and can cause acute toxicity. Nicotine adversely affects both maternal and fetal health during pregnancy and contributes to adverse outcomes such as preterm delivery and stillbirth; exposure in during fetal development has lasting adverse consequences for brain development. In addition, "the evidence is suggestive that nicotine exposure during adolescence, a critical window for brain development, may have lasting adverse consequences for brain development."[vi]
7. The immediate adverse physiologic effects from short-term use of electronic cigarettes are similar to some of the effects seen with tobacco smoke.[vii]

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8. Nicotine is particularly hazardous to children, young people, pregnant women, nursing mothers, people with heart conditions and the elderly.[viii]
9. Use of electronic smoking devices, including the refillable nicotine cartridges, can pose a risk for nicotine poisoning (e.g., if a child of 30 kilograms of weight swallows the contents of a nicotine cartridge of 24 milligrams, this could cause acute nicotine poisoning that most likely would result in death).[ix]
10. A CDC study found the number of calls to poison centers involving e-cigarettes or the nicotine liquids used in e-cigarettes rose from one per month in September 2010 to 215 per month in February 2014.[x] The study also found:
    - More than half (51.1 percent) of the calls to poison centers due to electronic smoking devices involved young children 5 years and under, and about 42 percent of the calls involved people age 20 and older.
    - The number of calls per month involving conventional cigarettes did not show a similar increase during the same time period.
11. Poisoning from conventional cigarettes is generally due to young children eating them. Poisoning related to electronic smoking devices involves the liquid containing nicotine used in the devices and can occur in three ways: by ingestion, inhalation or absorption through the skin or eyes.[xi]
12. Because there is little control or regulation of electronic smoking devices products, the amount of nicotine inhaled with each "puff" may vary substantially, and testing of sample cartridges found that some labeled as nicotine-free in fact had low levels of nicotine.[xii]
13. A study published in the European Respiratory Journal found that electronic smoking device users get as much nicotine from electronic smoking devices as smokers usually get from tobacco cigarettes.[xiii]
14. Electronic smoking devices have been marketed as smoking cessation devices and as safer alternatives to traditional tobacco products[xiv], but studies on electronic smoking devices' emissions and cartridge contents have found a number of dangerous substances including:
    - Chemicals known to the State of California to cause cancer such as formaldehyde, acetaldehyde, lead, nickel, and chromium;[xv,xvi,xvii]
    - Fine particulate matter ($PM_{2.5}$), acrolein, tin, toluene, and aluminum[xviii, xix,xx]—which are associated with a range of negative health effects such as skin, eye, and respiratory irritation[xxi]; neurological effects, developmental and reproductive effects[xxii]; and even premature death from heart attacks and stroke.[xxiii]
15. Studies have shown that there are high levels of dual use among users of electronic smoking devices and conventional cigarettes.[xxiv,xxv,xxvi, xxvii]
16. Neither federal nor state law requires that electronic smoking devices carry health warnings comparable to conventional cigarettes nor FDA-approved nicotine replacement products.[xxviii]
17. Studies on electronic smoking devices have also found inconsistent labeling of nicotine levels in electronic smoking device products.[xxix,xxx]
18. Over 400 brands of electronic smoking devices exist on the market[xxxi], but clinical studies about the safety and efficacy of these products have not been submitted to the FDA. For this reason, consumers currently have no way of knowing[xxxii]:
    - Whether electronic smoking devices are safe for their intended use;
    - What types or concentrations of potentially harmful chemicals the products contain; and
    - What dose of nicotine the products deliver.

19. The World Health Organization has strongly advised consumers against the use of electronic smoking devices until they are "deemed safe and effective and of acceptable quality by a competent national regulatory body."[xxxiii]
20. The World Medical Association has determined that electronic smoking devices "are not comparable to scientifically-proven methods of smoking cessation" and that "neither their value as therapeutic aids for smoking cessation nor their safety as cigarette replacements is established."[xxxiv]
21. Exposure to fine and ultrafine particles may exacerbate respiratory ailments like asthma, and constrict arteries which could trigger a heart attack.[xxxv]
22. Chemicals identified in electronic smoking device aerosol also appear on California's Proposition 65 list of carcinogens and reproductive toxins, also known as the Safe Drinking Water and Toxic Enforcement Act of 1986. The compounds that have already been identified in electronic smoking device aerosol include: Acetaldehyde, Cadmium, Formaldehyde, Lead, Nickel, Nicotine, N-Nitrosonornicotine, and Toluene.[xxxvi]
23. Electronic smoking devices contain and emit propylene glycol, a chemical that is used as a base in electronic smoking device solution and is one of the primary components in the aerosol emitted by electronic smoking devices.[xxxvii]
24. Even though propylene glycol is FDA approved for use in some products, the inhalation of vaporized nicotine in propylene glycol is not. Some studies show that heating propylene glycol changes its chemical composition, producing small amounts of propylene oxide, a known carcinogen.[xxxviii]
25. One study found metals in electronic smoking device aerosol, including chromium, nickel, and tin nanoparticles.[xxxix]
26. FDA scientists found detectable levels of carcinogenic tobacco-specific nitrosamines in electronic smoking device aerosol.[xl]
27. People exposed to electronic smoking device aerosol absorb nicotine (measured as cotinine), with one study showing levels comparable to passive smokers.[xli]
28. In the case of e-cigarettes, the solvent of the liquids may remain on available surfaces and be a source for contamination for non-users of e-cigarettes. The accidental spilling of e-cigarette liquids can also lead to unintended uptake of nicotine by skin permeation – an effect that is intentionally used for nicotine patches.[xlii]
29. More than one study has concluded that use of electronic smoking devices may result in secondhand exposure to emissions.[xliii,xliv,xlv] Therefore, the adverse health effects of secondhand exposure to aerosol from electronic smoking devices cannot be excluded as a possibility.
30. The State of California's Tobacco Education and Research Oversight Committee (TEROC) "opposes the use of electronic smoking devices in all areas where other tobacco products are banned."[xlvi]
31. An April 2014 Congressional Report investigating the marketing practices of nine of the largest electronic cigarette manufacturers, found the following[xlvii]:
    - All nine of the companies used various marketing practices to appeal to youth;
    - Six electronic smoking device companies market electronic smoking devices in flavors that could appeal to children and teens, with flavors like Cherry Crush, Chocolate Treat, Peachy Keen, and Grape Mint;

- These practices, many of which were self-reported by the companies, include sponsoring youth-oriented events such as music festivals, and handing out free product samples at as many as 348 events between 2012-2013.

32. One study examining the marketing claims featured on 59 single brand electronic smoking device retail websites that were online in 2012 found the following[xlviii]:
    - 95% of websites made health benefit claims such as statements about the absence of "tar" or "carcinogens" in the products;
    - 22% of websites featured pictorial and video representations of doctors;
    - 88% of websites made statements that electronic smoking devices can be smoked anywhere; and
    - 71% of websites made statements that they can be used to circumvent smoke-free laws.
33. A study published in the *Journal of Environmental and Public Health* suggests that electronic smoking devices and other emerging tobacco products "may have the capacity to 're-normalize' tobacco use in a demographic that has had significant denormalization of tobacco use previously."[xlix]
34. The use of electronic smoking devices in smokefree locations threatens to undermine compliance with smoking regulations and reverse the progress that has been made in establishing a social norm that smoking is not permitted in public places and places of employment.[l]
35. Dozens of local jurisdictions within California regulate the use of electronic smoking devices in specific locations.[li]
36. The U.S. Food and Drug Administration has proposed regulations on electronic cigarettes based on an extensive set of findings, hereby incorporated by reference, including but not limited to findings about the addictive nature of nicotine, the impact of nicotine on youth and young adults, the potential health risks of e-cigarettes, and consumer confusion and misinformation about e-cigarettes.[lii]

<u>Ordinance No. NS-300.874 (Permits for Retailers of Tobacco Products and/or Electronic Smoking Devices)</u>

1. The failure of retailers to comply with laws concerning tobacco products and electronic smoking devices, particularly the sale of such products to minors, threatens the health, safety and welfare of the residents of the County.
2. A local permitting system for retailers of tobacco products and/or electronic smoking devices is appropriate to ensure that retailers comply with all applicable laws and business standards of the County and to protect the health, safety and welfare of the residents of the County.
3. The California Legislature has recognized the danger of electronic smoking devices by prohibiting the sale or furnishing of electronic cigarettes to minors (Health and Safety Code Section 119405). However, this law does not prohibit self-service displays of electronic smoking devices in stores, which is the law for traditional tobacco products.
4. A requirement for face-to-face transactions (i.e., no vending machines sales or self-service displays) are a proven strategy for reducing minors' access to tobacco products, as they require assistance from the store merchant, and prevent shoplifting of tobacco products.[liii,liv]

5. The California Tobacco Control Program's "Healthy Stores for a Healthy Community" tobacco retailer observation survey, conducted in 2013 throughout California, including Santa Clara County, found the following:
    - The number of tobacco retailers selling electronic smoking devices in California has quadrupled in just two years (11% in 2011 to more than 45% in 2013, which is almost 16,500 stores);[lv]
    - As of July 2013, 47% of tobacco retailers in the County are also selling electronic smoking devices (approximately 677 stores across the county), and that number is predicted to be even higher now given the growing market for these products; [lvi] and
    - Nearly 20% of tobacco retailers selling electronic smoking devices in the County had electronic smoking devices on display in locations where youth are likely to be exposed to the products, such as near candy, ice cream, and slushie machines.[lvii]
6. Use of electronic smoking devices by minors has increased significantly in recent years, as evidenced by findings from the 2011 and 2012 National Youth Tobacco Survey[lviii]:
    - Between 2011 and 2012, the percentage of all students in grades 6 to 12 who had ever tried an electronic smoking device doubled from 3.3% to 6.8%. 9.3 percent of these students reported in 2012 that they had never smoked conventional cigarettes.
    - Between 2011 and 2012, the percentage of all high school students who had ever tried an electronic smoking device more than doubled from 4.7% to 10.0%.
    - 7.2 percent of these students reported in 2012 that they had never smoked conventional cigarettes.
7. Both the U.S. Food and Drug Administration and the World Medical Association have expressed concern that electronic cigarettes can increase nicotine addiction among young people and lead young people to try other tobacco products, including conventional cigarettes.[lix,lx]
8. The U.S. Food and Drug Administration has proposed regulations on electronic cigarettes based on an extensive set of findings, hereby incorporated by reference, including but not limited to findings about the addictive nature of nicotine; the impact of nicotine on youth and young adults; the potential health risks of e-cigarettes; consumer confusion and misinformation about e-cigarettes; and the need for vending machine restrictions, health warnings and other regulations.[lxi]
9. The Surgeon General has found that the chemical nicotine is a powerful pharmacologic agent that acts in the brain and throughout the body, is highly addictive, and can cause acute toxicity. Nicotine adversely affects both maternal and fetal health during pregnancy and contributes to adverse outcomes such as preterm delivery and stillbirth; exposure in during fetal development has lasting adverse consequences for brain development. In addition, "the evidence is suggestive that nicotine exposure during adolescence, a critical window for brain development, may have lasting adverse consequences for brain development."[lxii]
10. The immediate adverse physiologic effects from short-term use of electronic cigarettes are similar to some of the effects seen with tobacco smoke.[lxiii]
11. Nicotine is particularly hazardous to children, young people, pregnant women, nursing mothers, people with heart conditions and the elderly.[lxiv]
12. Use of electronic smoking devices, including the refillable nicotine cartridges, can pose a risk for nicotine poisoning (i.e. if a child of 30 Kilos of weight swallows the contents of a nicotine cartridge of 24 mg this could cause acute nicotine poisoning that most likely would cause death).[lxv]

13. A CDC study found the number of calls to poison centers involving e-cigarettes or the nicotine liquids used in e-cigarettes rose from one per month in September 2010 to 215 per month in February 2014.[lxvi] The study also found:
    - More than half (51.1 percent) of the calls to poison centers due to electronic smoking devices involved young children 5 years and under, and about 42 percent of the poison calls involved people age 20 and older.
    - The number of calls per month involving conventional cigarettes did not show a similar increase during the same time period.
14. Poisoning from conventional cigarettes is generally due to young children eating them. Poisoning related to electronic smoking devices involves the liquid containing nicotine used in the devices and can occur in three ways: by ingestion, inhalation or absorption through the skin or eyes.[lxvii]
15. State law explicitly permits cities and counties to enact local ordinances regulating the distribution of electronic cigarettes in a manner that is more restrictive than state law, to the extent not otherwise prohibited by federal law. (Health and Saf. Code, § 119405, subd. (d).)
16. An April 2014 Congressional Report investigating the marketing practices of nine of the largest electronic cigarette manufacturers, found the following[lxviii]:
    a. All nine of the companies were using various marketing practices to appeal to youth;
    b. Six electronic smoking device companies market electronic smoking devices in flavors that could appeal to children and teens, with flavors like Cherry Crush, Chocolate Treat, Peachy Keen, and Grape Mint;
    c. These practices, many of which were self-reported by the companies, include sponsoring youth-oriented events such as music festivals, and handing out free product samples at as many as 348 events between 2012-2013.
17. Dozens of cities and counties in California have passed retailer licensing ordinances in an effort to stop minors from accessing tobacco products and electronic smoking devices.[lxix]
18. A requirement for a retailer permit will not unduly burden legitimate business activities of retailers who sell or distribute tobacco products or electronic smoking devices to adults but will allow the County to regulate the operation of lawful businesses to discourage violations of federal, state and local laws related to tobacco products and electronic smoking devices.
19. The County has a substantial interest in promoting compliance with federal, state and local laws intended to regulate sales and use of tobacco products and electronic smoking devices; in discouraging the illegal purchase of tobacco products and electronic smoking devices by minors; in promoting compliance with laws prohibiting sales of tobacco products and electronic smoking devices to minors; and in protecting children from being lured into illegal activity through the misconduct of adults.

[i] U.S. Food and Drug Administration. (2001). *Electronic Cigarettes*. Available at: http://www.fda.gov/newsevents/publichealthfocus/ucm172906.htm

[ii] U.S. Food and Drug Administration. (2001). *Electronic Cigarettes*. Available at: http://www.fda.gov/newsevents/publichealthfocus/ucm172906.htm

[iii] Schripp, T., Markewitz, D., Uhde, E., & Salthammer, T. (2012). Does e-cigarette consumption cause passive vaping? Indoor Air. 23(1), 25–31. Doi:10.1111/j.1600-0668.2012.00792.x

[iv] King, B., Alam S., Promoff, G., et al. (2013). "Awareness and Ever Use of Electronic Cigarettes Among U.S. Adults, 2010-2011." *Nicotine and Tobacco Research*, doi: 10.1093/ntr/ntt013, 2013.

[v] Corey, C., Johnson, S., Apelberg, B., et al. (2013). "Notes from the Field: Electronic Cigarette Use Among Middle and High School Students - United States, 2011- 2012." *Morbidity and Mortality Weekly Report (MMWR).* 62(35):729–730. Available at: http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6235a6.htm.

[vi] The Health Consequences of Smoking: Nicotine Addiction, a report of the Surgeon General (1988), available at http://profiles.nlm.nih.gov/ps/access/NNBBZD.pdf

[vii] Vardavas CI, Anagnostopoulos N, Kougias M, Evangelopoulou V, Connolly GN, Behrakis PJK. Short-term Pulmonary Effects of Using an Electronic Cigarette. *CHEST.* 2012;141(6):1400-1406.

[viii] World Health Organization. Statement: Questions and answers on electronic cigarettes or electronic nicotine delivery systems, July 2013. Available at: http://www.who.int/tobacco/communications/statements/eletronic_cigarettes/en/

[ix] World Health Organization. Statement: Questions and answers on electronic cigarettes or electronic nicotine delivery systems, July 2013. Available at: http://www.who.int/tobacco/communications/statements/eletronic_cigarettes/en/

[x] Chatham-Stephens, K, Law, R, Taylor, E, et al. (April 2014). "*Notes from the Field:* Calls to Poison Centers for Exposures to Electronic Cigarettes — United States, September 2010–February 2014" Morbidity and Mortality Weekly Report

[xi] CDC, April 3, 2014 Press Release: "New CDC study finds increase in e-cigarette-related calls to poison centers". Available at: http://www.cdc.gov/media/releases/2014/p0403-e-cigarette-poison.html

[xii] FDA and Public Health Experts Warn about Electronic Cigarettes (July 22, 2009), available at www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm173222.htm.

[xiii] Etter, J.F. and Bullen, C. (2011) Saliva cotinine levels in users of electronic cigarettes. *European Respiratory Journal.* Vol 38, 1219-1220.

[xiv] Grana, R and Ling, P M. (2014). "Smoking revolution: A content analysis of electronic cigarette retail websites. Am J Prev Med 46(4): 395-403.

[xv] German Cancer Research Center. (2013). *"Electronic Cigarettes - An Overview" Red Series Tobacco Prevention and Control.* Available at: www.dkfz.de/de/tabakkontrolle/download/Publikationen/RoteReihe/Band_19_e-cigarettes_an_overview.pdf.

[xvi] Goniewicz, M.L.; Knysak, J.; Gawron, M.; Kosmider, L.; Sobczak, A.; Kurek, J.; Prokopowicz, A.; Jablonska-Czapla, M.; Rosik-Dulewska, C.; Havel, C.; Jacob, P.; Benowitz, N., "Levels of selected carcinogens and toxicants in vapour from electronic cigarettes," Tobacco Control, March 6, 2013.

[xvii] State of California Environmental Protection Agency, Office of Environmental Health Hazard Assessment, Safe Drinking Water and Toxic Enforcement Act of 1986. (2013) Chemicals known to the State of California to cause cancer or reproductive toxicity. Available at: http://oehha.ca.gov/prop65/prop65_list/files/P65single091313.pdf

[xviii] German Cancer Research Center. (2013). *"Electronic Cigarettes - An Overview" Red Series Tobacco Prevention and Control.* Available at: www.dkfz.de/de/tabakkontrolle/download/Publikationen/RoteReihe/Band_19_e-cigarettes_an_overview.pdf.

[xix] Williams, M.; Villarreal, 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, March 20, 2013.

[xx] Schober W, Szendrei K, Matzen W, et al. (2013). Use of electronic cigarettes (e-cigarettes) impairs indoor air quality and increases FeNO levels of e-cigarette consumers. *Int. J. Hyg. Environ. Health*. Available at: http://dx.doi.org/10.1016/j.ijheh.2013.11.003

[xxi] Agency for Toxic Substances and Disease Registery (ATSDR). (2008). Toxic Substances Portal. Available at http://www.atsdr.cdc.gov/substances/index.asp

[xxii] State of California Environmental Protection Agency Office of Environmental Health Hazard Assessment. (n.d.). Chronic Toxicity Summary: Toluene. CAS Registry Number: 108-88-3. Available at: http://oehha.ca.gov/air/chronic_rels/pdf/108883.pdf

[xxiii] Environmental Protection Agency. (2012). Particle Pollution and Health. Available at: http://www.epa.gov/pm/2012/fshealth.pdf

[xxiv] King, B., Alam S., Promoff, G., et al. (2013). "Awareness and Ever Use of Electronic Cigarettes Among U.S. Adults, 2010-2011." *Nicotine and Tobacco Research*, doi: 10.1093/ntr/ntt013, 2013.

[xxv] Regan AK, Promoff G, Dube SR, Arrazola R. (2013). Electronic nicotine delivery systems: adult use and awareness of the 'e-cigarette' in the USA. Tob Control. 2013 Jan;22(1):19-23.

[xxvi] Adkison, S.E., et al. (Mar. 2013) "Electronic Nicotine Delivery Systems: International Tobacco Control Four-Country Survey," Am J Prev Med. 44(3): 207–215. doi:10.1016/j.amepre.2012.10.018.

[xxvii] Pearson, et al. (2012) "e-Cigarette Awareness, Use, and Harm Perceptions in US Adults," Am J Public Health. 2012 September; 102(9): 1758–1766. doi:10.2105/AJPH.2011.300526.

[xxviii] U.S. Food and Drug Administration. (2009). FDA and Public Health Experts Warn about Electronic Cigarettes. Available at: http://www.fda.gov/newsevents/newsroom/pressannouncements/ucm173222.htm.

[xxix] Cameron, J M, Howell, D N, White, J R, Andrenyak, D M, Layton, M E, and Roll, J M. (2013). Variable and potentially fatal amounts of nicotine in e-cigarette nicotine solutions. Tob Control, 23:77-8. Available at: http://tobaccocontrol.bmj.com/content/early/2013/02/12/tobaccocontrol-2012-050604

[xxx] U.S. Food and Drug Administration. (2009). FDA and Public Health Experts Warn about Electronic Cigarettes. Available at: http://www.fda.gov/newsevents/newsroom/pressannouncements/ucm173222.htm.

[xxxi] Chen, L. (2013). "FDA Summary of Adverse Events on Electronic Cigarettes." Nicotine & Tobacco Research: Official Journal of the Society for Research on Nicotine and Tobacco. 15(2): 615–6. Doi:10.1093/ntr/nts145.

[xxxii] U.S. Food and Drug Administration. (2009) FDA Warns Of Health Risk Posed By E-Cigarettes. Available at: www.fda.gov/downloads/forconsumers/consumerupdates/UCM173430.pdf

[xxxiii] World Health Organization. Statement: Questions and answers on electronic cigarettes or electronic nicotine delivery systems, July 2013. Available at: http://www.who.int/tobacco/communications/statements/eletronic_cigarettes/en/

[xxxiv] 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]

[xxxv] Grana, R; Benowitz, N; Glantz, S. "Background Paper on E-cigarettes," Center for Tobacco Control Research and Education, University of California, San Francisco and WHO Collaborating Center on Tobacco Control. December 2013.

[xxxvi] Goniewicz, M.L.; Knysak, J.; Gawron, M.; Kosmider, L.; Sobczak, A.; Kurek, J.; Prokopowicz, A.; Jablonska-Czapla, M.; Rosik-Dulewska, C.; Havel, C.; Jacob, P.; Benowitz, N., "Levels of selected carcinogens and toxicants in vapour from electronic cigarettes," Tobacco Control, March 6, 2013.

[xxxvii] Schripp, T., Markewitz, D., Uhde, E., & Salthammer, T. (2012). Does e-cigarette consumption cause passive vaping? Indoor Air. 23(1), 25–31. Doi:10.1111/j.1600-0668.2012.00792.x

[xxxviii] Henderson, TR; Clark, CR; Marshall, TC; Hanson, RL; & Hobbs, CH. "Heat degradation studies of solar heat transfer fluids," Solar Energy, 27, 121-128. 1981.

[xxxix] Williams, M.; Villarreal, 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, March 20, 2013.

[xl] Westenberger, B.J., "Evaluation of e-cigarettes," St. Louis, MO: U.S. Department of Health and Human Services (DHHS), Food and Drug Administration (FDA), Center for Drug Evaluation and Research, Division of Pharmaceutical Analysis, May 4, 2009

[xli] Flouris, A.D.; Chorti, M.S.; Poulianiti, K.P.; Jamurtas, A.Z.; Kostikas, K.; Tzatzarakis, M.N.; Wallace, H.A.; Tsatsaki, A.M.; Koutedakis, Y., "Acute impact of active and passive electronic cigarette smoking on serum cotinine and lung function," Inhalation Toxicology 25(2): 91-101, February 2013.

[xlii] Schripp, T., Markewitz, D., Uhde, E., & Salthammer, T. (2012). Does e-cigarette consumption cause passive vaping? Indoor Air. 23(1), 25–31. Doi:10.1111/j.1600-0668.2012.00792.x

[xliii] German Cancer Research Center. (2013). *"Electronic Cigarettes - An Overview" Red Series Tobacco Prevention and Control.* Available at: www.dkfz.de/de/tabakkontrolle/download/Publikationen/RoteReihe/Band_19_e-cigarettes_an_overview.pdf.

[xliv] Schripp, T., Markewitz, D., Uhde, E., & Salthammer, T. (2012). Does e-cigarette consumption cause passive vaping? Indoor Air. 23(1), 25–31. Doi:10.1111/j.1600-0668.2012.00792.x

[xlv] Schober W, Szendrei K, Matzen W, et al. (2013). Use of electronic cigarettes (e-cigarettes) impairs indoor air quality and increases FeNO levels of e-cigarette consumers. *Int. J. Hyg. Environ. Health*. Available at: http://dx.doi.org/10.1016/j.ijheh.2013.11.003

[xlvi] State of California Tobacco Education and Research Oversight Committee. (2013). Position on Electronic Cigarettes (e-cigarettes). Available at:

http://www.cdph.ca.gov/services/boards/teroc/Documents/Positions/TEROC%20Official%20Position%20of%20E-Cigs_June%202013_final.pdf

[xlvii] U.S. Congress, Senate and House of Representatives Report. "Gateway to Addictions?: A survey of popular electronic cigarette manufacturers and targeted marketing to youth. April 2014. Available at: http://democrats.energycommerce.house.gov/sites/default/files/documents/Report-E-Cigarettes-Youth-Marketing-Gateway-To-Addiction-2014-4-14.pdf

[xlviii] Grana, R and Ling, P M. (2014). "Smoking revolution: A content analysis of electronic cigarette retail websites. Am J Prev Med 46(4): 395-403.

[xlix] 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.

[l] American Cancer Society Cancer Action Network, American Heart Association, Campaign for Tobacco Free Kids, American Lung Association. (2011). *Policy Guidance Document Regarding E-Cigarettes.* Available at: http://www.acscan.org/content/wp-content/uploads/2013/06/Policy-Guidance-on-E-Cigarettes-.pdf.

[li] American Lung Association in California, the Center for Tobacco Policy and Organizing. (2013). Local Policies on the use of Electronic Cigarettes. Available at: http://center4tobaccopolicy.org/wp-content/uploads/2013/11/Local-Policies-on-Use-of-E-Cigs-Nov-2013.pdf

[lii] U.S. Food and Drug Administration. "FDA proposes to extend its tobacco authority to additional tobacco products, including e-cigarettes." April 24, 2014. Available at: http://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm394667.htm

[liii] Caldwell MC, Wysell MC, Kawachi I. (1996). Self-service tobacco displays and consumer theft. Tob Control.5:160–161.

[liv] Lee RE, Feighery EC, Schleicher NC, Halvorson S. (2001). The relation between community bans of self-service tobacco displays and store environment and between tobacco accessibility and merchant incentives. *Am J Public Health.*91(12):2019-21.

[lv] California Tobacco Control Program, Healthy Stores for a Healthy Community Survey, 2013

[lvi] Santa Clara County Public Health Department, Healthy Stores for a Healthy Community Survey, 2013

[lvii] Santa Clara County Public Health Department, Healthy Stores for a Healthy Community Survey, 2013

[lviii] Corey, C., Johnson, S., Apelberg, B., et al. (2013). "Notes from the Field: Electronic Cigarette Use Among Middle and High School Students - United States, 2011- 2012." *Morbidity and Mortality Weekly Report (MMWR).* 62(35):729–730. Available at: http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6235a6.htm.

[lix] U.S. Food and Drug Administration. (2009). FDA and Public Health Experts Warn about Electronic Cigarettes. Available at: http://www.fda.gov/newsevents/newsroom/pressannouncements/ucm173222.htm.

[lx] 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]

[lxi] U.S. Food and Drug Administration. "FDA proposes to extend its tobacco authority to additional tobacco products, including e-cigarettes." April 24, 2014. Available at: http://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm394667.htm

[lxii] The Health Consequences of Smoking: Nicotine Addiction, a report of the Surgeon General (1988), available at http://profiles.nlm.nih.gov/ps/access/NNBBZD.pdf

[lxiii] Vardavas CI, Anagnostopoulos N, Kougias M, Evangelopoulou V, Connolly GN, Behrakis PJK. Short-term Pulmonary Effects of Using an Electronic Cigarette. *CHEST.* 2012;141(6):1400-1406.

[lxiv] World Health Organization. Statement: Questions and answers on electronic cigarettes or electronic nicotine delivery systems, July 2013. Available at: http://www.who.int/tobacco/communications/statements/eletronic_cigarettes/en/

[lxv] World Health Organization. Statement: Questions and answers on electronic cigarettes or electronic nicotine delivery systems, July 2013. Available at: http://www.who.int/tobacco/communications/statements/eletronic_cigarettes/en/

[lxvi] Chatham-Stephens, K, Law, R, Taylor, E, et al. (April 2014). "*Notes from the Field:* Calls to Poison Centers for Exposures to Electronic Cigarettes — United States, September 2010–February 2014" Morbidity and Mortality Weekly Report

[lxvii] CDC, April 3, 2014 Press Release: "New CDC study finds increase in e-cigarette-related calls to poison centers". Available at: http://www.cdc.gov/media/releases/2014/p0403-e-cigarette-poison.html

[lxviii] U.S. Congress, Senate and House of Representatives Report. "Gateway to Addictions?: A survey of popular electronic cigarette manufacturers and targeted marketing to youth. April 2014. Available at: http://democrats.energycommerce.house.gov/sites/default/files/documents/Report-E-Cigarettes-Youth-Marketing-Gateway-To-Addiction-2014-4-14.pdf

[lxix] American Lung Association in California, the Center for Tobacco Policy and Organizing. (2013). Tobacco Retailer Licensing and Electronic Cigarettes. Available at: http://center4tobaccopolicy.org/wp-content/uploads/2013/08/E-cigarettes-in-TRL-8.9.13.pdf

Attachment C

County of Santa Clara
Public Health Department

Administration
976 Lenzen Avenue, 2nd Floor
San José, CA 95126
408.792.5040

August 21, 2015

Dear Mayor and City Manager,

Re: Support for Increasing the Minimum Age for Purchase of Tobacco to 21

In June 2015, the Santa Clara County Board of Supervisors took action to reduce tobacco use among youth and young adults by increasing the minimum age for the purchase of tobacco from 18 to 21 years in the unincorporated areas of the County. Our ordinance included electronic cigarettes in our definition of tobacco product. Santa Clara County has been a leader in protecting the health of its residents – children and youth in particular – from the devastating consequences of tobacco use. We recognize that all of the cities within Santa Clara County are essential partners in reducing tobacco use among youth and young adults and we know that you share our goal of improving health for everyone who lives or works in our county. I am writing to strongly encourage you to consider implementing similar measures within your city to maximize the public health impact for all of our county residents, and to offer our help in doing so.

Despite the tremendous progress that has been made in reducing premature death and disease from tobacco use, the decline in youth smoking has slowed over the last decade. Youth smoking rates in Santa Clara County remain at 8%, the same as in 2001, and similar to the national trend for youth. Additionally, the rapid uptake of electronic cigarette use by youth is of great public health concern.

We know that the younger a person is when they first try tobacco, the more likely they will be to get hooked and the more difficult it will be for them to ever quit smoking. It is estimated that 90% of tobacco users start before the age of 21; roughly 80% first try tobacco before age 18; and 75 percent of teen smokers continue into their adult years. A recent report by the Institute of Medicine predicts that raising the minimum age for the sale of tobacco products to 21 will, over time, reduce the smoking rate by about 12% and smoking-related deaths by 10%. By making it harder for teens and young adults ages 18 – 21 to get access to tobacco, we are preventing more lifetime smokers, thereby reducing future health care costs and the leading preventable cause of death.

The Public Health Department is able to assist cities to better understand this issue and to provide data, model policy language, and evidence regarding the rationale for increasing the minimum of age for purchase of tobacco and electronic cigarettes to 21. Additionally, our County Counsel's office is available to speak directly with counsel for cities that have any questions or concerns regarding the legal authority for regulation.

We encourage you to take action on this important public health issue, and reach out to our staff who are available to assist you in your efforts.

Board of Supervisors: Mike Wasserman, Cindy Chavez, Dave Cortese, Ken Yeager, S. Joseph Simitian
County Executive: Jeffrey V. Smith

If you would like further information or assistance related to this issue, please contact Nicole Coxe at the Public Health Department at (408) 793-2745 or nicole.coxe@phd.sccgov.org.

Sincerely,

Sara H. Cody, MD
Health Officer and Public Health Director

cc: City Council

Carnahan, David

From: Marissa Fegan <marissafegan@gmail.com>
Sent: Monday, October 26, 2015 5:25 PM
To: Council, City
Subject: Smoking Regulations

Categories: Red Category

To Palo Alto City Council members and all whom it may concern:

My husband and I have recently moved to Palo Alto, and we love it here. It is a great area, with a positive atmosphere. We currently live in a multi-family apartment complex, and our new neighbors have started smoking in their apartment and on their balcony which is located right outside of our bedroom window. We are health-conscious individuals, and thus aware of the terrible effects of second hand smoke. Since the smoking began, I have been experiencing allergy-like symptoms in the evening and morning hours that I am home and thus susceptible to the smoke. I am currently pregnant, increasing our concern about this second hand smoke coming into our apartment. In a few months our newborn baby will be living in our bedroom, and thus we are again increasingly anxious and dismayed about the smoking habits of our neighbors. We have researched the current rules about smoking in Palo Alto, and were pleased to find that potential rules about smoking in multi-family apartment complexes seem to have been discussed by the Palo Alto City Council. We would like to add our voices to encourage the committee to pass regulations on the smoking of individuals in and around apartment complexes due to the effects of second-hand smoke on other residents. Please let us know if there is anything at all that we can do to encourage this regulation being passed promptly, and any rights that we have to protect our family.

Thank you,
Marissa Fegan