



## Legislation Text

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**File #:** 14-408, **Version:** 1

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Staff Report for an Ordinance Adding to and Amending San Leandro Municipal Code Subsections (n), (o) and (p) of Section 4-12-105 to Include Electronic Cigarette Vapors and the Smoking of Electronic Cigarettes and Amending San Leandro Municipal Code Subsection (a) of Section 4-12-400 to Expand the Smoking Products that Individuals and Entities Cannot Knowingly Allow Individuals to Use on Property Under Their Control

### **RECOMMENDATIONS**

Staff recommends that the City Council adopt the attached Ordinance adding and amending San Leandro Municipal Code subsections (n), (o) and (p) of section 4-12-105 to include electronic cigarette vapors and the smoking of electronic cigarettes respectively and amending San Leandro Municipal Code subsection (a) of section 4-12-400 to expand the smoking products that individuals and entities cannot knowingly allow individuals to use on property under their control.

### **BACKGROUND AND SUMMARY**

The City passed a smoking pollution control ordinance in 2009 that prohibited smoking in certain enclosed and unenclosed places and also created reasonable smoking distance requirements from certain locations. Additionally, the smoking pollution control ordinance placed certain duties on individuals and entities regarding smoking in an area under their control. In enacting the smoking pollution control ordinance, the City intended to discourage tobacco use, protect children from exposure to smoking, reduce the potential for children to associate smoking with a healthy lifestyle, and affirm and promote the family atmosphere of the City's public places.

Staff has observed individuals smoking electronic cigarettes in City facilities. Currently the health effects of secondhand exposure to electronic cigarette vapor are unknown. Expanding the prohibition of exposure to secondhand smoke to include smoke or vapor generated by electronic cigarettes will limit the potentially harmful effects to individuals that are exposed. Additionally, by adopting the amendments to the City's smoking pollution control ordinance, the City Council will find that children will not be negatively affected by exposure to electronic cigarette smoking by associating electronic cigarette use with a healthy lifestyle.

The ordinance adds a new definition "smoke" and amends the definition of "smoking" to include the use of electronic cigarette products. As it relates to enclosed areas, expanding the definition of smoking prohibits the use of electronic cigarettes in: public places; places of employment; and other certain enclosed areas that have a common or shared air space with an area where smoking is prohibited. As it relates to unenclosed areas, expanding the definition of smoking prohibits the use of electronic cigarettes in: places of employment; service areas; public places; ticket, boarding, and waiting areas of transit depots and bus stops; parks; playgrounds; athletic facilities; golf practice facilities; and sites of public events. Additionally the ordinance prohibits smoking electronic cigarettes within 20 feet of any opening into an enclosed area in which smoking is prohibited and prohibits

smoking electronic cigarettes on any public property within 300 feet of a primary or secondary school, consistent with current prohibitions on traditional smoking products. Furthermore, individuals and entities cannot knowingly allow individuals to smoke electronic cigarettes in an area under their control where smoking is prohibited.

## **ATTACHMENTS**

None

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