

City of San José, California

COUNCIL POLICY

TITLE	SMOKING POLICY FOR ANY BUILDING OWNED, LEASED OR OCCUPIED BY THE CITY	PAGE	1 of 1	POLICY NUMBER	9-9
EFFECTIVE DATE	October 9, 1984	REVISED DATE	June 3, 2014		
APPROVED BY COUNCIL ACTION	10/9/84, Item 103; 4/27/93, Item 9j; 9/11/07, Item 3.12(b); 6/3/14, Item 2.29, Resolution No. 77003				

BACKGROUND

The City Council initially adopted this policy because of growing concern regarding smoking in public places and its detrimental effect on many people. Research findings show that tobacco smoke is a major contributor to indoor air pollution. Studies have also shown that smoking and breathing of secondhand smoke constitute a significant health hazard, especially to those suffering from cardiovascular disease, impaired lung function, asthma, hay fever, certain eye disorders and those with allergic reaction to tobacco smoke. In addition to direct health hazards, smoking contributes to institutional costs in other ways including cleaning and maintenance costs and costs associated with health care and medical insurance.

PURPOSE

The purpose of this Policy is to regulate smoking in any building owned, leased or occupied by the City, protect and enhance indoor air quality, and contribute to the health and well-being of the public and City employees.

POLICY

It is the policy of the City of San José to provide a smoke free environment for the public and its employees in any building owned, leased, or occupied by the City. Smoking is prohibited:

1. in any building owned, leased, or occupied by the City;
2. within 25 feet horizontally or vertically of any entrances, exits, operable windows, or air intake openings of any building owned, leased, or occupied by the City;
3. in any vehicle owned, leased, or rented by the City;
4. including the disposal of any tobacco product within 25 feet horizontally or vertically of any entrances, exits, operable windows, or air intake openings of any building owned, leased, or occupied by the City.

“Smoking” is defined as either (1) inhaling, exhaling, burning, or carrying a lighted cigarette, cigar, pipe or other apparatus used to smoke tobacco or any other organic or non-organic material; or (2) the use of an electronic cigarette as defined in California Health & Safety Code Section 119405 (“e-cigarette”) or a similar device intended to emulate smoking which permits a person to inhale vapors or mists that may or may not include nicotine.

No signage is required to effectuate any of these prohibitions.

Except as otherwise prohibited by law or this Council Policy, smoking is permitted in any outdoor area of any building owned, leased, or occupied by the City.

This Policy is effective as of June 3, 2014 and supersedes all previous City smoking policies.