

JUST READ IT...



Californians for Statewide Smoking Restrictions – Yes on Proposition 188
A Committee of California Hotels, Restaurants, and Philip Morris, Inc.
10866 Wilshire Blvd., Suite 550, Los Angeles, CA 90024

Bulk Rate
U.S. Postage
PAID
Californians for
Statewide Smoking
Restrictions

WE WANT YOU TO KNOW

WHAT IT'S ABOUT.

Prop 188 helps protect non-smokers by regulating smoking in public and by keeping tobacco away from minors.

WHAT IT DOES.

Prop 188 completely bans smoking in restaurants and workplaces except in designated, separate areas that meet tough new ventilation standards.

WHY WE NEED IT.

Because we need a tough but reasonable alternative to prohibition.

WHO'S SPONSORING IT.

Prop 188 is supported by restaurants, hotels, Philip Morris and 2,000 California business owners.

Please turn the page 

A MESSAGE FROM OUR SPONSORS



Californians for Statewide Smoking Restriction

Dear Fellow Californian:

Before you turn the page and read Prop 188 for yourself, we'd like to tell you a little more about it.

This Statewide Smoking Restrictions initiative was written to protect non-smokers from being subjected to second-hand smoke by completely banning smoking in restaurants and workplaces except in designated separate areas, and then only if they meet tough new ventilation standards.

Prop 188 also helps keep tobacco away from children. It doubles current fines for selling tobacco to minors, up to \$2,000 for a third offense. Prop 188 outlaws billboard advertisement of tobacco products within 500 feet of schools and bans cigarette vending machines in unsupervised public areas where minors are allowed.

In short, Prop 188 proposes a single, uniform statewide law to regulate smoking in public places. We believe there is a clear need for uniform statewide regulation of smoking in public so non-smokers wishing to avoid second-hand smoke can enjoy the same protections wherever they go in the state. And we believe that Prop 188's provisions for separate, well-ventilated non-smoking and smoking sections is a reasonable alternative to a 100% ban on total prohibition of smoking in public.

Many will question Philip Morris' motives for supporting Prop 188, but they are actually quite simple. Philip Morris is well aware of the social and political reality that California voters won't accept anything less than tough, meaningful restrictions on smoking in public places. And second, they would prefer to have tough restrictions that severely limit the number of places where you can smoke as opposed to a 100% ban or total prohibition of smoking in public.

Finally, we know that some will simply refuse to believe that Philip Morris is sincere in its motives for supporting this initiative. But we are confident that California voters are intelligent enough to get beyond the media hype concerning Philip Morris' support and keep an open mind in deciding themselves whether or not to vote for Prop 188 based on its merits.

10866 Wilshire Blvd., Suite 550, Los Angeles, CA 90024

Steering Committee

*Helfried Fahrenholz
La Marina Inn
Phila del Rey*

*Kathleen Harrington
Harrington's Bar & Grill
San Francisco*

*Wes Idol
Pacific Dining Car
Los Angeles &
Santa Monica*

*Robert Jacobs
San Francisco Hotel
Association
San Francisco*

*Dorin Langer
Philip Morris, Inc.
Sacramento*

*Gene Sostich
The Squitch Companies
West Sacramento*

*Mark Swanson &
Reevely Althoff-Swanson
One Double Oh Seven
Club
Santa Cruz*

*Jim Lombesis
The Diner
Tracy*

*John Mathony
Johnny Lopez's
San Francisco*

*Don Munns
Golden Room Steakhouse
Anderson*

*Jesse Suterro
Hispanic Chamber &
International Chamber
San Diego*

*Kate Nelson
The Hollywood Palace
Hollywood*

*Mary Pappas
Andrea Market
San Diego*

*Helen Petron
Yukon Mining Company
West Hollywood*

*Maurice Prince
Maurice's Smoke-N-Chat
Los Angeles*

*Lowell Reinsteater
Reinsteater's on Retner
San Diego*

*Brian Reed
Anquiti
Santa Monica*

*Judith Shunk
Turf Connection &
Clubs
Anderson*

*R.J. Silber
Brezski's Gaslamp Pub.
Jiv.
San Diego*

*Chuck Shosty
W.L. Newman &
Company
Vernon*

(partial list)

ABOUT PHILIP MORRIS' SUPPORT

ns

s

e

eed

me

g
n or

p
ware

nave
ne

nat

g
for

**But don't just
take our word
for it, read it
for yourself →**

PLEASE READ

Provisions of this proposed law are simple and clearcut:

1. Smoking in restaurants is prohibited except in designated separate areas that meet new ventilation standards.

2. Smoking in workplaces is prohibited except in designated separate areas that meet new ventilation standards.

3. Smoking in all other public areas is prohibited except in designated separate areas and places such as bars, bingo parlors and gaming clubs.

Provides for uniform statewide rules

PROPOSAL The California Tobacco C

Initiative Measure to to the voters on 1

SECTION 1. The People of the State of California do hereby declare that:

(a) The current regulation of smoking in public in California is inadequate in that there are insufficient statewide standards for regulating smoking in restaurants, office buildings, and other public places.

(b) There is a wide variance in the local regulation of smoking. Some localities provide little or no protection to those who do not wish to smoke in such places, while others overregulate to the extent that in at least one city a person may be fined for smoking on the sidewalk or in the street.

(c) There is a clear need for uniform statewide regulation of smoking in public to assure those interested in avoiding secondhand tobacco smoke have the same protections wherever they go in the state and that those who do smoke have fair notice of where smoking is prohibited.

(d) There must be stricter statewide controls to curb the illegal sale of tobacco products to minors, including the regulation of tobacco products vending machines. Further, the advertisement of tobacco products near schools must be restricted.

SEC. 2. To accomplish the goals set forth in Section 1, the People enact this measure to provide for the statewide regulation of smoking in restaurants, other public places and the workplace, and for statewide restrictions on the marketing and distribution of tobacco products through the regulation of sales to minors, tobacco products vending machines, and billboard advertising near school grounds.

SEC. 3. This act shall be known and may be cited as the California Uniform Tobacco Control Act.

SEC. 4. Division 10 (commencing with Section 25800) is added to the Business and Professions Code, to read:

DIVISION 10. REGULATION OF SMOKING

CHAPTER 1. GENERAL PROVISIONS

25800. For purposes of this division, the following definitions shall apply:

(a) "ASHRAE Standard 62-1989" means the standard approved by the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc. in 1989 as ASHRAE Standard 62-1989, "Ventilation for Acceptable Indoor Air Quality" and approved by the American National Standards Institute in 1991. The standard is also designated "ANSI/ASHRAE 62-1989."

(b) "Bar" means an area that is devoted to the service of alcoholic beverages for consumption on the premises and in which the serving of food, if any, is incidental to the consumption of alcoholic beverages. When a bar is located within a building in conjunction with another use, including, but not limited to, a restaurant, only the area used primarily for the

Standard 62-1989.

25818. Smoking is prohibited unless all those present in the

25820. Nothing in this section prevents an owner or lessee of premises under his or her control

CHAPTER 4.

25822. Smoking is prohibited except as otherwise provided

25824. Smoking is prohibited in lobby areas of any hotel, motel

25826. The prohibitions apply to

(a) Hotel and motel rooms are designated non-smoking

(b) Establishments devoted to the sale of tobacco products

(c) Hotel and motel common areas and private assembly rooms being used for private functions

(d) Gaming clubs registered under Section 19 used to conduct bingo games

Penal Code, racetracks, and public lounges in indoor and outdoor

25828. Nothing in this section prevents the owner or lessee of premises from permitting smoking entirely on any premises

CHAPTER

25836. Smoking and the use of signs.

CHAPTER 6. VENDING MACHINES

25840. It is unlawful to place a vending machine in one of the following

(a) In an area of a factory or other industrial building

(b) On any public premises to which persons under the age of 18 years are not permitted

(c) In any other place, unless the approval of an employer or an employee of the premises

25842. The person, firm, or corporation authorized

25844. The person, firm, or corporation authorized

25846. The person, firm, or corporation authorized

25848. The person, firm, or corporation authorized

25850. The person, firm, or corporation authorized

25852. The person, firm, or corporation authorized

25854. The person, firm, or corporation authorized

25856. The person, firm, or corporation authorized

25858. The person, firm, or corporation authorized

25860. The person, firm, or corporation authorized

25862. The person, firm, or corporation authorized

25864. The person, firm, or corporation authorized

25866. The person, firm, or corporation authorized

25868. The person, firm, or corporation authorized

25870. The person, firm, or corporation authorized

25872. The person, firm, or corporation authorized

25874. The person, firm, or corporation authorized

25876. The person, firm, or corporation authorized

25878. The person, firm, or corporation authorized

25880. The person, firm, or corporation authorized

25882. The person, firm, or corporation authorized

25884. The person, firm, or corporation authorized

25886. The person, firm, or corporation authorized

25888. The person, firm, or corporation authorized

25890. The person, firm, or corporation authorized

25892. The person, firm, or corporation authorized

25894. The person, firm, or corporation authorized

25896. The person, firm, or corporation authorized

25898. The person, firm, or corporation authorized

25900. The person, firm, or corporation authorized

THIS INITIATIVE

SECTION 188 Tennessee Uniform Tobacco Control Act

to be submitted directly
on November 8, 1994

prohibited in any company vehicle
without the vehicle's consent.

prohibited from returning to
smoking entirely on any
premises.

PUBLIC PLACES

prohibited in any public place,
except as provided in this chapter.

permitted in no more than
one bowling alley and
one other lodging facility.

prohibited from being
rented to guests, unless they
are approved by management.

located primarily to the retail sale
of a manufacturer of

conference or meeting rooms, and
other rooms, while these places are

located pursuant to Chapter 5
of Division 8, facilities

located pursuant to Section 326.5 of the
state boxes and separate snack
or sports arenas.

chapter shall be construed to
prohibit any public place from prohibit-
ing smoking under his or her control.

5. SIGNS

designated smoking areas, designated
clearly indicated by the post-

TOBACCO VENDING MACHINES

all tobacco products at retail
locations is the vending machine is
located in:

any business, office, or other
place open to the general public.

persons, as defined in Section
188.01, the age of 21 years are denied

persons under the age
of 18 years.

only if the machine is oper-
ated by the licensee.

required, prior to each purchase,
that the purchaser is at least 21 years of age.

for a violation of Section
188.01, the installation or placement

card issued to a member of the armed forces.

(b) For purposes of this section, the person liable for
selling or furnishing tobacco products to minors by a tobacco
products vending machine shall be the person authorizing the
installation or placement of the tobacco vending machine
upon premises he or she manages or otherwise controls and
under circumstances in which he or she has knowledge, or
should otherwise have grounds for knowledge, that the tobac-
co products vending machine will be utilized by minors.

(c) Every person under the age of 18 years who pur-
chases or receives any tobacco, cigarette, or cigarette papers,
or any other preparation of tobacco, or any other instrument or
paraphernalia that is designed for the smoking of tobacco,
products prepared from tobacco, or any controlled substance
shall, upon conviction, be punished by a fine of five hundred
dollars (\$500) or 100 hours of community service work.

(d) Every person, firm, or corporation that sells or
deals in tobacco or any preparation thereof, shall post conspic-
uously and keep so posted in his, her, or their place of busi-
ness, at each point of purchase within the premises, a sign, no
smaller than 8 1/2 by 11 inches, stating the following in no
smaller than 24 point type:

NOTICE — SECTION 308 OF THE PENAL CODE PRO-
HIBITS THE SALE OF TOBACCO PRODUCTS TO PER-
SONS UNDER 18 YEARS OF AGE AND THE PURCHASE
OF TOBACCO PRODUCTS BY PERSONS UNDER 18
YEARS OF AGE.

Any person failing to do so shall upon conviction be
punished by a fine of one hundred dollars (\$100) for the first
offense and two hundred dollars (\$200) for each succeeding
violation of this provision, or by imprisonment for not more
than 30 days.

The Secretary of State is hereby authorized to have
printed sufficient copies of this act to enable him or her to fur-
nish dealers in tobacco with copies thereof upon their request
for the same.

(e) Every person, firm, or corporation that sells, or
deals in tobacco or any preparation thereof, shall notify each
individual employed by the person, firm, or corporation as a
retail sales clerk that state law prohibits the sale of tobacco
products to any person under 18 years of age and the purchase
of tobacco products by any person under 18 years of age.

This notice shall be provided before the individual com-
mences work as a retail sales clerk or, in the case of an indi-
vidual employed as a retail sales clerk on the date when this
subdivision becomes operative, within 30 days of that date.
The individual shall signify that he or she has received the
notice required by this subdivision by signing a form stating
as follows: "I understand that state law prohibits the sale of
tobacco products to persons under the age of 18 and the pur-

Imposes
some of
the nation's
toughest
restrictions
on access
to tobacco
by minors:

1. Doubles the
current fines for
selling tobacco to
minors, up to
\$2000 for third
offense.

2. Restricts
location of
cigarette vending
machines.

3. Prohibits
billboard

that clearly define where smoking is prohibited and where it is allowed.

Restaurant owners allowed to make their own choice to ban smoking entirely or permit smoking in separate sections. If restaurant allows smoking, minimum of 75% of restaurant seating must be in ventilated non-smoking section.

consumption of alcoholic beverages shall constitute a bar. The dining area shall not constitute a bar, even though alcoholic beverages may be served therein.

(c) "Private office" means a room within a building in which no more than one person works that is enclosed by floor to ceiling walls and an operable door.

(d) "Public place" means any enclosed indoor area open to the general public, including, but not limited to, a theater, educational facility, health facility, retail services establishment, retail food production and market establishment, gymnasium, health spa, library, museum, and gallery. "Public place" does not include a workplace, restaurant, or bar.

(e) "Restaurant" means any coffeeshop, cafeteria, short-order cafe, luncheonette, diner, sandwich shop, soda fountain, and any other eating establishment which gives, sells, or offers for sale food to the general public for consumption on the premises. "Restaurant" does not include a "bar" as defined in this section.

(f) "Workplace" means any enclosed indoor area in which one or more individuals are employed on a full-time basis and to which the general public does not have access, except by specific invitation. Notwithstanding the preceding sentence, "workplace" does not include a work area in a private residential care facility, a licensed family day care home during hours of operation and in those areas where children are present.

CHAPTER 2. RESTAURANTS

25806. Smoking is prohibited in any restaurant, except as otherwise provided in this chapter.

25808. (a) The prohibition of Section 25806 shall not apply to any restaurant to which both of the following apply:

(1) Smoking is permitted in designated areas not exceeding 25 percent of the seating capacity.

(2) Ventilation is provided in accordance with the recommended ventilation rates specified for dining rooms and cafeterias in Table 2 of ASHRAE Standard 62-1989 or in accordance with the requirements of the indoor air quality procedure described in ASHRAE Standard 62-1989. If a restaurant elects to provide ventilation in accordance with this paragraph, the restaurant shall keep on the premises a written certification, provided at least once a year by the contractor who maintains the ventilation system, that the system meets the applicable provisions of ASHRAE Standard 62-1989.

(b) Any restaurant permitting smoking shall post a sign on the exterior of the building at each point of public entrance stating that smoking and non-smoking sections are available.

25810. The prohibition of Section 25806 shall not apply to rooms in restaurants being used for business functions.

25812. Nothing in this chapter shall be construed to prevent the owner of any restaurant from prohibiting smoking in entirely non-smoking areas on the premises under his or her control.

CHAPTER 3. WORKPLACES

25814. Smoking is prohibited in any workplace, except as otherwise provided in this chapter.

25816. (a) The prohibition of Section 25814 shall not apply to any workplace that is any of the following:

(1) A private office or, with the consent of all occupants, any conference room if ventilation is provided to that office or room in accordance with the recommended ventilation rates specified for offices in Table 2 of ASHRAE Standard 62-1989 or in accordance with the requirements of the indoor air quality procedure described in ASHRAE Standard 62-1989.

(2) Any employee cafeteria where smoking is confined to a single area not exceeding 25 percent of the seating capacity of the cafeteria, and ventilation is provided in accordance with the recommended ventilation rates specified for dining rooms and cafeterias in Table 2 of ASHRAE Standard 62-1989 or in accordance with the requirements of the indoor air quality procedure described in ASHRAE Standard 62-1989.

(3) Designated smoking lounges if ventilation is provided in accordance with the recommended ventilation rates specified for smoking lounges in Table 2 of ASHRAE Standard 62-1989 or in accordance with the requirements of the indoor air quality procedure described in ASHRAE Standard 62-1989.

(b) If an employer elects to provide ventilation in accordance with subdivision (a), the employer shall keep on the premises a written certification, provided at least once a year by the contractor who maintains the ventilation system, that the system meets the applicable provisions of ASHRAE

of the tobacco products vend she manages or otherwise co- which he or she has knowled grounds for knowledge. of th

CHAPTER 7

25844. No person shall used tobacco products on any 500 feet of any public or priv high school, or high school, to advertisements erected or affixed to business establish retail.

CHAPTER 8

25850. The provision- occupation, safety and health Occupational Safety and Hea shall be enforced as standard

25852. Except as prov someone smokes in violation change of a place where smok- knowingly permits smok- every person who fails to pos- and every person who violate- division, shall be guilty of an- not to exceed one hundred di- by a fine not to exceed two h- and violation within one year- hundred dollars (\$500) for a- sequent violation within one-

SEC. 5. Article 1 of C- Section 25940) of Division 21- is repealed.

SEC. 6. Section 25945- is repealed.

SEC. 7. Section 308 o- is repealed.

308. (a) (1) Every per- knowingly sells, gives, or in- son who is under the age of 1- cigarette papers, or any other- other instrument, or parapher- smoking or ingestion of tobac- tobacco, or a controlled sub- nial action for a misdemeanor- city attorney, a county counse- able by a fine of five hundred- tion, one thousand dollars (\$1- within two years of the first v- (\$2,000) for a third violation- violation, and two thousand d- within two years of a violatio- tion.

(2) A fine imposed on a- a violation of this subdivision- occurs more than two years af- subdivision shall be waived a- this subdivision shall be deem- firm, or corporation clearly es- in good faith to prevent the vi- occurred despite the exercise- firm, or corporation. For purp- firm, or corporation shall be d- diligence if the person, firm, o- subdivisions (d) and (e).

(3) Notwithstanding Se- sion of law, 25 percent of each- lected pursuant to this subdivi- of the city attorney, county co- ever is responsible for bringin- percent of each civil and crim- to this subdivision shall be pu- administration and cost of the- potent provided in subdivision-

(4) Proof that a defend- agent, demanded, was shown- dence of majority shall be a d- pursuant to this subdivision. I- is a facsimile of or a reasonab- by a federal, state, county, or t- vision or agency thereof, inclu- vehicle operator's license, a re- under the federal Selective Ser-

