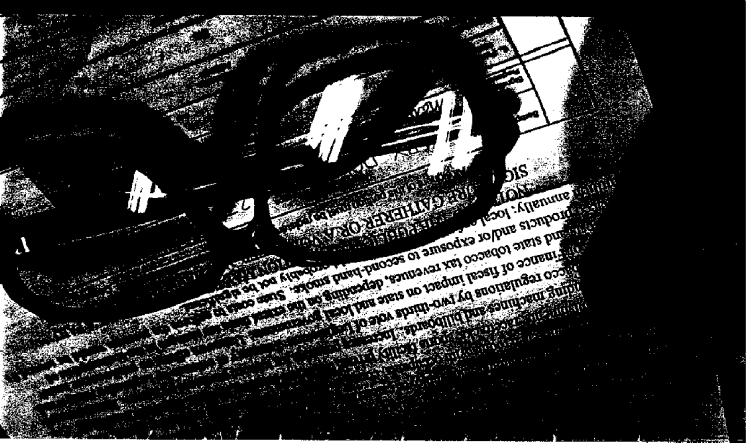
NOLL BEVD IL.



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

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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.

MESSAGE FROM OUR SPONSORS

Californians for Statewide Smoking Restrictio

Sweeting Countition

Helfried Fakreahols La Marina han Playa del Rey

Kachleen Harrington Harrington's Bar & Grill San Francisco

Wes Idul Pacific Dining Cor Los Angeles & Scotta Monica

Robert Jacobs San Francisco Hotel Association San Francisco

David Lauter Philip Morris, Inc Sagramento

Gene Sosaick The Sosaick Companies West Sacramento

Mark Swanson & Reverly Mathis-Swanson One Bouble Oh Seven Club Santo Crus

Jim Lembesis The Diner Tracy

John Matheny Johnny Love's San Francisco

Don Munns Golden Room Steakhoust Anderson

Jesse Navarro Hispanic Chamber & International Chamber San Diego

Kate Nelson The Hollycroad Palove Hollywood

Mary Pappas Athens Market San Diego

Helen Petron Yakon Mining Company West Hollwood

Manrice Prince Manrice's Snack-N-Char Las Augeles

Laurel Roimseater Raimsater's on Reuner San Diego

Brien Reed Ahiguia Santa Mantea

Jackje Slipuk Tuur Connection & Charters Anaheim

R.J. Silber Brewski's Gaslamp Pab. Inc. San Juga

(Janek Slossy W.C. Newman & Company Company

general heavy

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 double 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 a allowed

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

Many will question Philip Morris' motives for supporting Pr 188, but they are actually quite simple. Philip Morris is well 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 tough restrictions that severely limit the number of places 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 the 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

ABOUTH HOLL WORRIS'SUPRORIE

ave

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

PUEASE 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

PROPOSI The Califor Tobacco C

Initiative Measure to the voters on !

declare that:

(a) The current regulation of smoking in public in dalifornia 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 regular of standing. Some localities provide little provide who were 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 avoisiing 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 regutation 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 recautants, 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 bill-board 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 28800) 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, Refragerating 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."

the "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 har is located within a building in commission with another use, including, but not finited to a restraining only the may use; manually to the

Standard 62-1989.

25818. Senoking is pre unless all those present in the 25820. Notice prevent ap present and the con CHAPTER 4.

25822. Smoking is preexcept as otherwise provided 25824. Smoking may percent of the concourse area

percent of the concourse area lobby areas of any hotel, more 25826. The prohibition apply to

(a) Hotel and morel to are designated non-smoking r

 (b) Establishments dev of tobacco products or to the tobacco products.

 (e) Hotel and morel co public and private assembly n being used for private function

(d) Gaming clues regis (commencing with Section 19 used to conduct bingo games Penal Code, racetracks, and pring lounges in indoor and one

25828. Nothing in this prevent the owner or lessee of ing smoking entirely on any p

CHAPTE

25836. Smoking and no pursuant to this division shalling of signs.

CHAPTER 6. VE!
25840. It is unlawful to
through a vending machine un
kicated in one of the following
(a) In an area of a facto

place that is not open to the gr (b) On any public press

24039, to which persons under access pursuant to Section 25((c) On other premises (of 18 years are not permitted):

(d) In any other place, ated by the activation of an elor by an employee of the fiver 25842. The person Lab 25840 is the boson, athorizo

HSIMMAND

TION 188 nia Uniform ontrol Act

be submitted directly lovember 8, 1994

bited in any company vehicle

otting smoking entirely by any

JBLIC PLACES bited in any public place, this chapter. permitted in no more than

permitted in no more than any bowling alley and or other lodging factor f Section 1 shall not

is rented to guests, unless the ms by management, ed primarily to the retail sale erations of a manafacturer of

erence or meeting rooms, and ms. while these places are

red pursuant to Chapter 5 6) of Division 8, facilities rsuant to Section 326.5 of the ate boxes and separate smokor sports arenus.

apter shall be construed to by public place from prohibitnises under his or her control, 5. SIGNS

smoking areas designated clearly indicated by the post-

DING MACHINES all tobacco products at retail as the vending machine is reas:

, business, office, or other ral public.

is, as defined in Section te age of 21 years are denied

which persons under the age ess

conty of the machine is operronic switch by the licensee, e. prior to each purchase, for a violation of Section he assultation or nlacement 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 tobacco products vending machine will be utilized by minors.

(c) Every person under the age of 18 years who purchases or receives any tobacco, digarette, or digarette papers, or any other proparation 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 line 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 conspicuously and keep so posted in his, her, or their place of business, 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 28 point type;

smaller than 28 point type:

NOTICE — SECTION 308 OF THE PENAL CODE PROHIBITS THE SALE OF TOBACCO PRODUCTS TO PERSON'S 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 furnish 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 addividual employed by the person, firm, or corporation as a retail sales clerk that state hav probablists 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 commences work as a retail sales clerk or, in the case of an individual 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 grashints to receive under the tone of 18 and the ourse."

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 during 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 lactifity, health facility, retail services extablishment, retail food production and market establishment, gymnasium, health spa, library, museum, and gallery. "Public place" does not include a workplace, restaurant, or bar.

fe) "Restaurant" means any coffeeshup, uafeteria, 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 "har" 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" do the correctional facility of the correctional facility in the preceding sentence in the property of the facility day care home or property and the preceding sentence of a property of the facility of the facil

CHAPTER 2. RESTAURANTS

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

25808. (a) The prohibition of Section 25809 and not app. A saw restaurant to which both constant areas not oben gnated 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 oir 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 restourant 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 the functions.

25812. Notify an arrange of the prevent their constructor are arranged and provided their controls are provided as a second of the control.

CHAPTER 3. WORKPLACES

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

25816. (a) The prohibition of Section 25814 shall pply to any workplace that is any of the following.

pants, any conference room in Pentilation 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 63-1989.

(2) Any employee cafetena where smoking is confined to a single area not exceeding 25 percent of the scatting capacity of the cafeteria, and ventilation is provided in autoritance with the recommended ventilation rates specified for drining roums 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 ASBRAE of the tobacco products vent she manages or otherwise cowhich he or she has knowled grounds for knowledge, of th CHAPTER 7

25844. No person shat used tobacco products on any 500 feet of any public or privhigh school, or high school, to advertisements erected on affixed to business estart.

ER K

25850, to provision occupation to ety and healt Occupation Safety and Healt shall have breed as standard

sur a do smokes in violation of see of a place where smol showingly permits smol yery person who fails to pos ind every person who fails to pos ind every person who violate division, shall be guilty of an not to exceed one hundred do by a fine not to exceed two hond violation within one year hundred dollars (\$500) for a 1 sequent violation within one

SEC. 5. Article 1 of C Section 25940) of Division 2t is repealed.

SEC. 6. Section 25949 is repealed.

SEC, 7. Section 308 o

308. (a) (1) Every per gly scils, gives, or in a g under the age of 1 cigarette i s, or any other other instrum amoking or mees tobacco, or a controlled nal 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 ν (\$2,000) for a third violation : violation, and two thousand d within two years of a violatio.

(2) A fine imposed on a a violation of this subdivision occurs more than two years at subdivision shall be waived at this subdivision shall be deem firm, or corporation clearly estingood faith to prevent the vioccurred despite the exercise infirm, or corporation. For purfirm, or corporation shall be diligence if the person, firm, a subdivisions (d) and (e).

(3) Notwithstanding Sc ston of law, 25 percent of each letted pursuant to this subdivi of the city attorney, county coever is responsible for heingan percent of each civil and crim to this subdivision shall be puradministration and cost of the potent provided in subdivision

(4) Proof that a defendingent, demanded, was shown, dence of majority shall be a depursuant to this subdivision. It is a facsimile of or a reasonably a federal, state, county, or a vision or agency thereof, incluvehicle operator's freense, a reunder the federal Selective Sci

machine upon premises he of obstand under encumbrances in or otherwise should have inlation.

BILLBOARDS

dvertise or cause to be adverindoor bullbased.

element amond, junior
continuous shall not apply
infined at street level and
its selling tobacco products at

NEORCEMENT

Chapter 3 shall be considered appliands under the Culifornia Act of 1973 as amended and ader that act.

id in section 25850, every perthis division, every person in g is prohibited by this division, in violation of this division, sign required by this division by other prohibition in this fraction punishable by a fine is (\$100) for a first violation, and dollars (\$200) for a sectry a fine not to exceed five d violation and for each sub-

ner 10.8 (commencing with 1 the Health and Safety Code

of the Health and Safety Code

e Penal Code is amended to

n, firm or corporation that way furnishes to another percers any tobacco, organette, or eparation of tobacco, or any a that is designed for the products prepared from is subject to either a cotobacco (\$500) for a first violation of the corporation of the point of the corporation of the subject to either a cotobacco (\$500) for a first violation (\$500) for a first violation attion, two thousand dollars hin two years of the second its (\$2,000) for any violation

absequent to the third viola-

erson, firm, or corporation for at its a first violation or that any other violation of this any subsequent violation of a first violation if the person, pishes that he, she, or it acted attorn and that the violation due diligence by the person, est of this paragraph, a person, med to have exercised due forporation complies with

on 1464 or any other proviivil and criminal penalty colnishall be paid to the office ed, or district attorney, whohe successful action, and 25 I penalty collected pursuant of the city or county for the minunity service work com-

or his or her employee or diseasonably relied upon evitic to any action brought dence of majority of a person
ikeness of a document issued
sicipal government, or subditig, but not limited to, a motor
tradion certificate lissued
to Act, or an identification

chase of lobocco products by persons under the age of [8, 1] promise, as a condition of nty ciaployment, to observe this law." Each form signed by an individual shall indicate the date of signature. The employer shall return the form signed by each individual employed as a retail sales clerk until 120 days after the individual has left the employer's employ. Any imployer failing to comply with the requirements of this subserved in the production of this subserved in the product of the first offense and in chundred dollars (\$100) for the first offense and in chundred dollars (\$200) for each succeeding violation of this addivision, or by imprisonment for not more than 30 days.

(f) For purposes of a termining the liability of persons, firms, or corporations controlling franchises or business operations in multiple locations for the second and subsequent viulations of this section, each indictual franchise or business location shall be deemed a separate entity.

location shall be deemed a separate entity.

(g) In addition to other effects to ensure compliance with this section, every county shell it, city police chief, and other head of a law enforcement up by responsible for enforcing subdivision (a) shall at lead annually conduct unannounced inspections at randomly self-test locations where tobacco products are sold or distributed. A person under the age of 18 may be employed to test of bilance with subdivision (a) only if the testing is conduct funder the direct supervision of a peace officer acting within the scope of his or her official duties and written parental site sent for the person's participation has been obtained. Buspit as provided in this studdivision, every person who, figure purpose of testing compliance of another with subdivisit (a), solicits, employs or otherwise aides a minor in the furthuse or attempted purchase of any tobacco, eigarette, or directe papers, or any other preparation of tobacco, or all other instrument or paraphermalia that is designed for the stacking of tobacco, products prepared from tobacco, or all interfaces in guilty of a misdemeanor.

misderneanor.

(h) The Apriley General shall prepare for submission annually to the detay of the United States Department of Health and the san Services the report required by Section 1926 of Lepart II of Part B of Title XIX of the federal Public Health service Act (42 U.S.C. Sec. 300x-26).

SEC. 8. Consistent with the finding in Section 1 of this act, the People find and declare that the need for uniform statewide regulation, as set forth in this act, is a matter of statewide concern and uniform statewide regulation of smoking in public places, bars, restaurants, and workplaces, as well as the sale, distribution, advertising, sampling, promotion, or display of tobacco products, is required to maximize public awareness of and compliance with this act and is warranted because these activities do not vary from county to county or city to city. This act shall apply, without limitation, to a city. county, and city and county, including a charter city, charter county, or charter city and county. It is the People's intent to regulate the subject matter of this act comprehensively and to occupy the field to the exclusion of local action. Notwithstanding any other provision of law, no ordinance or regulation of any city, county, city and county, including a charter city, charter county, or charter city and county, or other political subdivision of this state, or any local ordinance or regulation adopted by the use of an initiative or other ballot measure, shall in any way attempt to regulate the sale, distribution, advertising, sampling, promotion, or display of tobacco products, or smoking in public places, restaurants, bars, or

SEC. 9. The amendment of Section 308 of the Penal Code by this act shall not be construed to in any way affect other statutory prohibitions before or hereafter enacted on the distribution of controlled substance paraphernalia to minors or pussession of such paraphernalia, including, but not limited to, Sections 11364, 11364,5 and 11364,7 of the Health and Safety Code,

SEC. 10. This act may be amended by a statute passed by a two-thirds vote of the membership of each house of the Levislature.

SEC. 11. If any provision of this act or its application to any person or circumstance is held invalid, this shall not affect other provisions or applications of this act that can be given effect without the invalid application and to this end the provisions of the act are severable.

SEC. 12. This act shall become effective on the first day of July of the year following its enactment.

advertising of tobacco products within 500 feet of K-12 schools.

Tough penalties for violations. Illegal purchase of tobacco punishable by \$500 fine or 100 hours of community service.

Mandates
annual
certification of
ventilation
systems to
protect nonsmokers from
being subjected to secondhand smoke.