



The City of San Diego

MANAGER'S REPORT

INFORMATION

DATE ISSUED: January 20, 1984

REPORT NO. 84-19

SUBJECT: NON-SMOKING ORDINANCE

A City ordinance regulating smoking in indoor public places has been in effect since January, 1975. It was amended extensively to broaden its coverage in 1982 with the assistance of an ad hoc committee. Of these amendments, those related to "indoor public places" took effect in January of 1983, and those pertaining to indoor "places of employment" will become effective July 1, 1984.

The ordinance now covers virtually all retail sales and service establishments, cultural institutions, public conveyances, health care facilities, food marketing establishments and restaurants (where smoking sections are allowed), and it requires the posting of advisory signs so the public will be aware where smoking is permitted and where it is not.

Californians for Nonsmokers' Rights and the Lung Association of San Diego and Imperial Counties have supplied numerous signs free of charge to establishments upon request. This public service has been highly beneficial to the City and deserves to be acknowledged at this time. It has been our experience that a high percentage of smokers will comply voluntarily with reasonable regulations and prominent signing, and this principle has been the focal point of the City's efforts to promote public awareness and to seek voluntary compliance and cooperation rather than to prosecute violations, except as a last resort.

We have coordinated other public information efforts with the County Sheriff's Office and the Department of Health Services and have shared with the County the cost of preparing, printing and distributing informational brochures. The Restaurant Association, as well as the Lung Association and Californians for Nonsmokers' Rights, have been most cooperative and helpful in assisting us with the public awareness campaign.

During 1983, we received and responded to 513 complaints involving 389 establishments and answered 271 inquiries regarding the ordinance. We have also mailed information to commercial centers and civic organizations for distribution to hundreds of small businesses.

The Director of Citizens Assistance & Information has talked personally with representatives of approximately 170 establishments covered by the ordinance, the

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large percentage of whom represent small businesses. (Of the total number of complaints, 60% concerned restaurants and 36% retail sales and service establishments.)

It is our experience that businesses have been willing to cooperate and have made sincere efforts to do so and that they are appreciative of the emphasis on public awareness and voluntary compliance. However, they have been warned that failure to make a reasonable effort to comply will result in referral to the City Prosecutor's office.

In preparing this report, we requested comments on the business community's opinions of the impact of the ordinance from the Chamber of Commerce, the Restaurant Association, the Hotel-Motel Association and the United Federation of Small Businesses. If additional comments are received prior to the Committee meeting, we will share them with you. The only written response has been from the Restaurant Association. The Association states, "We have heard very little, good or bad, about the non-smoking ordinance over the past several months, which leads us to conclude that non-smokers and restaurants have come to terms with the new system and are handling problems informally..."

This is especially encouraging since (a) as noted above, 60% of our complaints pertain to restaurants, and (b) we have mailed out about 300 copies of the Restaurant Association's highly supportive letter.

Otherwise, of the many calls we have received, we are aware of none alleging that the ordinance or the administration of it works an unreasonable hardship on business in San Diego.

We believe that San Diego has achieved some measure of recognition in this regard as we have been asked for advice by several other cities in San Diego County and beyond. We have worked closely with Californians for Nonsmokers' Rights, which originally proposed the stronger regulations, and we believe our programs have this organization's full endorsement and support.

Within a few days, a report will be issued discussing the City's experience with restrictions on smoking in indoor "places of employment" as directed by the Public Services & Safety Committee on October 13, 1982. The City Council expressed an interest in reviewing the City's experience before the effective date of the regulations pertaining to all indoor work places, which provision will go into effect as mentioned above this July 1.

Respectfully submitted,

JOHN LOCKWOOD
Assistant City Manager

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