

NEW CALIFORNIA SMOKING BAN LAW

VS.

PROPOSITION 188

NEW STATE SMOKING LAW

PROPOSITION 188

No provisions.

Advertising

Bans billboard advertising of tobacco products within 500 feet of schools (K-12).

No provisions.

Youth Access

Doubles the current fines up to \$2,000 to persons who sell tobacco products to minors. 50% of fines will be returned to local governments. Minors who purchase tobacco products will be subject to fines and community service. Mandates random, unannounced sales inspections to make sure minors are not being sold tobacco products.

No provisions.

Vending Machines

Bans vending machines in unsupervised areas accessible to minors.

100% smoking ban for all restaurants. Includes bar areas where food is served. Prohibits smoking at private functions in private rooms.

Restaurants

Bans smoking generally but allows individual owners the choice to establish up to 25% separate smoking area if ventilation standards are met. Permits smoking at private functions in private rooms and in bar areas. Allows owners of any business the option to ban smoking entirely.

100% ban in all enclosed workplaces regulated by Cal/OSHA. Breakrooms, employers with fewer than 5 employees, and large warehouses may be exempt under certain conditions.

Workplaces

100% ban in enclosed workplaces. Private offices, conference rooms (with occupants' consent) and 25% of cafeteria seating area can be exempt if ventilation standards are met. Allows owners of any business the option to ban smoking entirely.

100% ban in all enclosed public places that are a "place of employment." Bingo parlors and gaming clubs are exempt until January 1, 1997 and then must comply with Cal/OSHA standards. If standards are not adopted by Cal/OSHA by 1/97, 100% ban will take effect.

Public Places

100% ban in all indoor areas open to the public. Bingo parlors, gaming clubs, race tracks, and tobacco shops are exempt.

Smoking allowed in up to 50% of lobby, depending on size. 65% of hotel/motel guest rooms. Smoking banned in meeting rooms, banquet rooms and restaurants when food or beverages are being served. Cities and counties may impose 100% smoking ban on hotels if desired.

Hotels

Smoking allowed in up to 25% of lobby area. Owners set policy on hotel/motel guest rooms. Owner may ban smoking if desired.

100% ban in bars where food is served. Stand alone bars and tavern to be phased-in by January 1, 1997 unless they can comply with Cal/OSHA ventilation standards. If standards are not adopted by Cal/OSHA by 1/97, 100% ban in all bars.

Bars

Exempt.

Fines employers \$100 for first offense, \$200 for second offense, \$500 for third offense within one year.

Penalties

Fines those who illegally permit smoking or smoke in a non-smoking area \$100 for first offense, \$200 for second offense, and \$500 for third offense.

Enforced by local government agencies, police officers, local health department representatives and business owners.

Enforcement

Workplace restrictions enforced under Cal/OSHA standards. Public place restrictions enforced by local authorities.

Creates an uneven playing field. Cities and counties can totally prohibit all smoking without exception.

Uniformity

Creates a level playing field. All cities and counties will be under one uniform law. Allows owners of any business the option to ban smoking entirely.

International and domestic tourists will go to competing states. Conventions will seek more hospitable destinations.

Tourism

Keeps California's #2 industry -- tourism -- strong and competitive.

Effective January 1, 1995.

Timing

On November 8, 1994 ballot.

Californians for Statewide Smoking Restrictions - YES on Proposition 188

A Committee of California Tobacco, Restaurant, and Philip Morris, Inc.

16, California Headquarters 323 Geary Street, #911, San Francisco, CA 94102-4127/262-581-415/332-7540 (fax)
So. California Headquarters 10000 Wilshire Blvd., #660, Los Angeles, CA 90024-2124/213-4191-310/416-1896 (fax)