

Implementing Assembly Bill (AB) 846, The New Statewide Smoke-free Entryway Law FACT SHEET

What Does the Law Say?

The new law, which originated as Assembly Bill (AB 846), amends California Government Code Sections 7596-7598 to prohibit smoking within 20 feet of a main entrance, exit, and operable window of all public buildings (buildings owned and occupied, or leased and occupied by the state, county, or city) as well as buildings on the campuses of the University of California (UC), California State University (CSU), and California community colleges, effective January 1, 2004. For the law to be effective, a sign must be posted describing the no smoking prohibition.

What is a "Public" Building?

Section 7596(a) of the law defines a public building as "...a building owned and occupied, or leased and occupied, by the state, a county, a city, a city and county, or a California Community College District." The law applies to all state, county, and city government buildings. The new law does NOT apply to privately owned buildings unless they are leased or occupied by a state, county, or city agency.

How will the Law be Enforced?

While no formal enforcement procedures are in place for this law, in order to achieve effective enforcement, the California Department of Health Services Tobacco Control Section (CDHS/TCS) strongly recommends that state, county, and local governments post appropriate signage concerning the law and move ash receptacles and urns at least 20 feet from main entrances, exits, and operable windows. Doing so will contribute to self-enforcement. The law does not provide state funding for signs.

However, CDHS/TCS and the Tobacco Education Clearinghouse of California have developed a clear, uniform *prototype* sign that can be produced by local communities throughout the state. Decal signage also may be obtained from your local Tobacco Control Program. Please see the enclosed directory.

How Does the Law Apply to Privately Owned Buildings Partially Leased and Occupied by Government Agencies?

AB 846 applies to "public buildings," as defined above. Government agencies, including colleges, are urged to notify owners/managers of buildings in which they lease space, that the law goes into effect January 1, 2004, and that it prohibits outdoor smoking within 20 feet of building doorways and operable windows in buildings leased and occupied by state or local governments and colleges.

Government agencies and colleges are also urged to notify building owners and managers to enact a similar policy around their buildings. Building owners/managers may also wish to make compliance with the new state law a provision of future leases.

Does the Law Preempt Local Governments from Enacting More Restrictive Regulations Addressing Entryway Smoking?

No. The new entryway protection law allows local communities and colleges to adopt more restrictive local ordinances or policies regarding smoking on or around government facilities.

The text of **AB 846** is available at http://www.leginfo.ca.gov/pub/bill/asm/ab_0801-0850/ab_846_bill_20030908_chaptered.pdf.