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Code: HR 94-18

Date: August 8, 1994  
To: Presidents  

From: June M. Cooper  
Vice Chancellor  
Human Resources and Operations  

Subject: Smoking in State Vehicles

Assembly Bill 291, which took effect earlier this year, prohibits smoking in state-owned passenger vehicles as well as state buildings. While CSU Executive Order 599 (issued 5/1/93) already announced a ban on smoking in all buildings or leased spaces throughout the system, the order did not address the issue of smoking in state vehicles.

Thus, in order to comply with the requirements of Assembly Bill 291, please notify your employees that smoking in state-owned passenger vehicles is now prohibited. You may also wish to take this opportunity to announce any referral services available on your campus for those employees interested in smoking cessation programs.

For your information, a copy of the statute is attached. Questions in this regard should be directed to Human Resources Administration at (310) 985-2672.

JMC/jmp

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Assembly Bill No. 291

CHAPTER 1211

An act to repeal and add Chapter 5.6 (commencing with Section 19994.30) of Part 2.6 of Division 5 of Title 2 of Government Code, relating to smoking.

[Approved by Governor October 11, 1993. Filed with Secretary of State October 11, 1993]

LEGISLATIVE COUNSEL’S DIGEST

AB 291, Speier. Smoking in state buildings and state vehicles.

Existing law requires each state department to adopt a policy on smoking that addresses the rights of nonsmokers to a smoke-free environment in formal meetings, informal meetings, and work stations, and that allows for administration of the policy and for the resolution of conflicts regarding the policy.

This bill would repeal this requirement.

This bill would, commencing January 1, 1994, prohibit any state employee or member of the public from smoking a tobacco product inside a state-owned and state-occupied building or a state-leased and state-occupied building, as defined, or within 5 feet of the main exit or entrance to such a building, or in a passenger vehicle owned by the state.

The bill would permit the State Department of Health Services to develop guidelines for the contents and presentation of tobacco smoking control programs designed to assist an individual in either a self-help or group environment. The department would be authorized to distribute these guidelines to state agencies and to provide, upon request, a copy of the guidelines to any individual or group. The department would be permitted to charge a fee for providing a copy to an individual or group.

The bill would require, not later than January 31, 1994, and thereafter upon initial employment, each state agency, as defined, to inform its employees about the smoking prohibition, areas where smoking is permitted, and the availability of tobacco smoking control programs to be offered by the state agency. The imposition of this requirement on community colleges would create a state-mandated local program.

This bill would authorize an exposition and fair to accommodate the smoking public where it is economically feasible, provided state employees are not required to work in enclosed areas where the probability of exposure to secondhand smoke exists and the nonsmoking public is provided with a smoke-free environment in all enclosed buildings.

The bill would prohibit tobacco product advertising in any state-owned and state-occupied building.
The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

The people of the State of California do enact as follows:

SECTION 1. Chapter 5.6 (commencing with Section 19994.30) of Part 2.6 of Division 5 of Title 2 of the government Code is repealed.

SEC. 2. Chapter 5.6 (commencing with Section 19994.30) is added to Part 2.6 of Division 5 of Title 2 of the Government Code, to read:

Chapter 5.6 SMOKING IN STATE BUILDINGS

19994.30. As used in this chapter:
(a) "Building" means a building owned and occupied, or leased and occupied, by the state.
(b) (1) "Inside a state-owned and state-occupied building" includes all indoor areas of the building, except for covered parking lots, residential space, and state prison yard areas.
(2) "Inside a state-leased and state-occupied building" includes any indoor space leased to the state, except for covered parking lots, and residential space.
(3) "Residential space" means a private living area, but it does not include common areas such as lobbies, lounges, waiting areas, elevators, stairwells, and restrooms that are a structural part of a multicomplex building such as a dormitory.
(c) "State" or "state agency" means a state agency, as defined pursuant to Section 11000, the Legislature, the Supreme Court and the courts of appeal, and each California Community College campus and each campus of the California State University and the University of California.
(d) "State employee" means an employee of a state agency.

19994.31. Commencing January 1, 1994, no state employee or member of the public shall smoke any tobacco product inside a state-owned and state-occupied or a state-leased and state-occupied building, or, in an outdoor area within five feet of a main exit or entrance to such a building, or in a passenger vehicle, as defined by Section 465 of the Vehicle Code owned by the state.
19994.32. Except as specified in Section 19994.31, a state employee or other person may smoke in any outdoor area of a state-owned and state-occupied or a state-leased and state-occupied building unless otherwise prohibited by state law and a sign describing the prohibition is posted by the state agency or other appropriate entity.

19994.33. (a) The State Department of Health Services may develop guidelines for the content and effective presentation of tobacco smoking control programs designed to assist an individual in either a self-help or group environment. The guidelines may be distributed to state agencies. The State Department of Health Services may provide a copy of the guidelines to any individual or group, upon request, and may charge a fee that shall not exceed the actual cost of producing a copy.

(b) State agencies may offer tobacco smoking control programs to their employees. A state agency may use existing employee training funds to pay for the presentation of tobacco smoking control programs offered to state employees at a state-owned or state-leased building during normal work hours.

(c) Not later than January 31, 1994, and thereafter upon initial employment, each state agency shall inform its employees about the smoking prohibition contained in Section 19994.31, areas where smoking is permitted, and the availability of tobacco smoking control programs.

(d) Enrollment in a tobacco smoking control program by any state employee shall be voluntary.

19994.34. Notwithstanding any other provision of law, an agency specified in Division 3 (commencing with Section 3001) of the Food and Agricultural Code may accommodate the smoking public where it is economically feasible, provided state employees are not required to work in enclosed areas where the probability of exposure to secondhand smoke exists and the nonsmoking public is provided with a smoke-free environment in all enclosed buildings.

19994.35. (a) No tobacco product advertising shall be allowed in any state-owned and state-occupied building excepting advertising contained in a program, leaflet, newspaper, magazine, or other written material lawfully sold, brought, or distributed within a state building.

(b) "Advertise," for purposes of this section, means the display of any poster, sign, or other written or visual material that is intended to communicate commercial information or images to the public.

(c) "Tobacco product," for purposes of this section, means any product containing tobacco, the prepared leaves of plants of the nicotine family, including, but not limited to, cigarettes, loose tobacco, cigars, snuff, chewing tobacco, or any other preparation of tobacco.

SEC. 3. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by
the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars ($1,000,000), reimbursement shall be made from the State Mandates Claims Fund. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.