

# Proposed Amendments to Tobacco Control Ordinance – Chapter 37 Santa Barbara County Code

Takashi M. Wada, MD MPH

Director/Deputy Health Officer

Santa Barbara County Public Health Department



# Background

- ◆ The basis for most of the County's existing Smoking Control Ordinance is 20 years old and previous updates were patched onto the old framework.
- ◆ There are substantial health and safety threats from the byproducts and use of electronic smoking devices (ESDs).
  - ESDs include single use and refillable/rechargeable types of electronic cigarettes and vaporizing products.
  - ESD cartridge contents, flavorings and product emissions are not harmless.

# Electronic Smoking Devices

- ◆ Battery-powered devices that provide inhaled doses of nicotine and/or flavorings by heating and vaporizing a solution.
- ◆ Concerns with ESDs include:
  - Increased exposure to chemical emissions, including at least 10 on California's Proposition 65 list of known carcinogens
  - Enormous increases in poisonings
  - Lack of regulation – contents, dosing, hardware
  - False claims about efficacy as a quitting aid
  - Use among youth has doubled or tripled based on national, state and local data, even at elementary school levels
  - Used to deliver drugs (marijuana, meth, etc.)
  - Marketing aggressively targets youth
  - May renormalize tobacco use and create a new generation of nicotine addicts



# Rationale

- ◆ Apply consistent regulation smoking, tobacco and electronic smoking device (ESDs) use in public places and workplaces.
- ◆ Decrease exposure to secondhand smoke and aerosol emissions.
- ◆ Limit access to tobacco and ESDs, especially to youth.
- ◆ Minimize smoking and drug delivery device use in public settings.
- ◆ Improve compliance and enforcement efforts.

# Key Changes

- ◆ Expand the “Findings” to reflect research on electronic smoking devices.
- ◆ Update and clarify the “Definitions” and “Purpose” of the law.
- ◆ Organize prohibitions and exceptions for clarity and comprehensiveness.
- ◆ Primary modifications apply in outdoor areas and to the retail environment.
- ◆ Salient changes will be detailed by comparing the old and new provisions of the law

# Proposed Change

# Current County Code

- 1. Regulates Smoking, Tobacco Product & Electronic Smoking Device (ESD) use**
- 2. Prohibits Smoking & Tobacco/ESD use surrounding County facilities including parking lots**
- 3. Regulates Smoking & Tobacco/ESD use:**
  - Prohibits in all Outdoor Dining Areas
  - Restrictions on Bar patios include ESD emissions
- 4. Prohibits Smoking & Tobacco/ESD use at Public Events (festivals, fairs, parades, etc.)**

1. Regulates Smoking, except Tobacco & ESDs are prohibited in County Parks & few departmental sites
2. Inconsistent Smoking regulations outside County sites:
  - Prohibited - Courts & District Attorney & Parks
  - Limited areas - Public Health, ADMHS & Social Services
  - 20 feet from area/building where smoking is prohibited
  - Department Head & CEO may prohibit at entire site
3. Regulates Smoking:
  - Prohibits on 75% of outdoor seating areas at restaurants & restaurant-bars provided that smoke doesn't enter adjacent worksites or residences
  - Allows use in all Bar patios provided that smoke doesn't drift into areas specified above
4. Not regulated

## Proposed Change

## Current County Code

5. **Prohibits Smoking & Tobacco/ESD use at construction sites**

5. Not regulated

6. **Prohibits Smoking & Tobacco/ESD use at common outdoor areas of multi-unit residences (pools & tot lots, etc.)**

6. Not regulated

7. **Requires Tobacco/ESDs Products & Paraphernalia to be behind counter or out of customer reach where they are sold**

7. Requires Tobacco Products & Paraphernalia to be behind counter or out of customer reach where they are sold, except in tobacco retail shops

8. **Prohibits free distribution and promotion of Tobacco & ESDs Products & Paraphernalia on property open to the public**

8. Regulated by the state on “public” property

9. **Specifies food-service restrictions in Tobacco Retail Shops & ESD Retail Shops**

9. Implies food-service restrictions in tobacco retail shops based on Labor Code 6404.5 mandates

- ◆ Recommendations presented support public health and are aligned with the goals of the County of Santa Barbara.
- ◆ Local policy change would mirror 131 communities statewide and 5 local cities that have regulated ESDs.
- ◆ The proposed amendments will provide increased protection for youth and diverse populations and promote health and safety in Santa Barbara County.

*We would be happy to  
respond to any questions.*