

BULLETIN

NO: 16-247
DATE: December 28, 2016
TO: All Personnel
FROM: Chris Webber, Assistant Fire Chief, Emergency Operations
SUBJECT: Review of City Smoking Policy

As a reminder, smoking (including vaping, electronic cigarettes, tobacco products, and smokeless tobacco) is prohibited in city owned buildings, facilities, vehicles or equipment. Smoking is also not allowed within 25 feet of building entrances, exits, air intakes and windows. Please review Administrative Regulation 95.94 Tobacco and Smoke-Free Workplace Policy (attached) for more details.

Please route any questions through your chain of command.

CITY OF SAN DIEGO
ADMINISTRATIVE REGULATION

SUBJECT TOBACCO AND SMOKE-FREE WORKPLACE POLICY	Number 95.94	Issue 1	Page 1 of 4
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1. PURPOSE

1.1. The City of San Diego (City) has a vital interest in maintaining a safe and healthy environment for its employees, volunteers, and contractors. To further that interest, the City has instituted a tobacco and smoke-free workplace. This Administrative Regulation establishes the policy for the City's tobacco and smoke-free workplace and identifies the disciplinary actions an employee may face for failing to comply with this policy. This Administrative Regulation incorporates existing state and local laws prohibiting or regulating smoking and tobacco use.

2. SCOPE

2.1 This Administrative Regulation applies to all *City Personnel*, as defined in paragraph 3.3 below.

3. DEFINITIONS

3.1 *City Buildings and Facilities* – Buildings and enclosed facilities and areas owned, leased, or operated by the City, including City airports, fueling areas, Petco Park, and Qualcomm Stadium.

3.2 *City Equipment* – Any equipment owned, leased, or operated by the City, including: (1) loaders, backhoes, or other equipment powered by fossil fuels, which include gasoline, diesel, propane and natural gas, and (2) electric equipment, including carts and other devices such as golf carts, Parking Enforcement vehicles or carts used by the Park and Recreation Department or other Departments..

3.3 *City Personnel* – All City employees, volunteers, and contractors, who either are paid by or perform services for the City.

3.4 *City Vehicle* – Any motorized vehicle, including a car, van, light duty truck, dump truck, street sweeper, refuse packer, or fire engine owned, leased, or operated by the City.

(New Administrative Regulation 95.94, Issue 1, effective October 6, 2014)

Authorized

[Signature on File]
CHIEF OPERATING OFFICER

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- 3.5 Electronic Cigarette – An electronic device that delivers vapor for inhalation, including hookah pens, vape pipes, and electronic hookahs. Electronic Cigarette does not include any product approved by the United States Food and Drug Administration for sale as a drug or medical device.
- 3.6 Smoke or Smoking - The carrying of a lighted pipe, lighted cigar, or lighted cigarette of any kind, or the lighting of a pipe, cigar, or cigarette of any kind.
- 3.7 Smokeless Tobacco - Either (i) a loose or flat, compressed cake form of tobacco that may be chewed or held in the mouth, or (ii) a shredded, powdered, or pulverized form of tobacco that may be inhaled through the nostrils, chewed, or held in the mouth, consistent with the definition set forth in California Health and Safety Code section 118950.
- 3.8 Tobacco Products – All substances containing tobacco leaf or derived from tobacco, including cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, kreteks, Smokeless Tobacco, or any other preparation of tobacco.
- 3.9 Vape or Vaping – Using an Electronic Cigarette in the following ways: (1) through inhalation or exhalation of vapor from an Electronic Cigarette; or (2) by holding or otherwise activating an Electronic Cigarette such that any vapor is being emitted from it.

4. POLICY

- 4.1 Prohibition at City Buildings and Facilities, and in or around City Vehicles and City Equipment:
- 4.1.1 *City Personnel* are prohibited from *Smoking, Vaping, or using Tobacco Products* at all times in *City Buildings or Facilities, and in or around City Vehicles and City Equipment*. This prohibition applies to all workplace areas, including all offices, cubicles, common work areas, elevators, hallways, parking structures, restrooms, dining areas, employee lounges, conference and meeting rooms, stairwells, and waiting areas.
- 4.1.2 This prohibition extends to all outdoor areas within 25 feet of entrances, exits, air intakes, or operable windows of all *City Vehicles and City Buildings and Facilities*.
- 4.1.3 *City Personnel* are only permitted to *Smoke, Vape, or use Tobacco Products* in designated areas outside of *City Buildings and Facilities*, as established by City Department Directors or designees.
- 4.2 Prohibition at City Parks and Beaches:

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4.2.1 *City Personnel* are prohibited from *Smoking, Vaping, or using Tobacco Products*, while performing services for the City at City beaches and parks.

4.2.2 *City Personnel* are prohibited from *Smoking, Vaping, or using Tobacco Products* while wearing a City-issued or City-required uniform on paid breaks at City beaches and parks.

4.3 Incorporation of State and Local Laws:

4.3.1 This Administrative Regulation incorporates all applicable state and local laws prohibiting or regulating *Smoking, Vaping, and using Tobacco Products* in effect on or adopted or amended after the effective date of this Administrative Regulation. This Administrative Regulation is intended to be consistent with Chapter 4, Article 3, Division 10 of the San Diego Municipal Code, entitled “Regulations on Smoking and Use of Electronic Cigarettes.”

4.3.2 *City Personnel* are required to comply with all applicable state and local laws, including all prohibitions set forth in the San Diego Municipal Code related to *Smoking* and use of *Tobacco Products* and *Electronic Cigarettes*.

5. PROCEDURE

5.1 Failure to comply with this Administrative Regulation may result in disciplinary action, up to and including termination of employment.

6. RESPONSIBILITY

6.1 It is the responsibility of all *City Personnel* to be aware of and to fully comply with this Administrative Regulation at all times.

6.2 All Department Directors are requested to post this Administrative Regulation in a conspicuous place where other citywide notices are posted.

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APPENDIX

Legal References

City of San Diego Personnel Manual, Section L-2 (Discipline)
City of San Diego Municipal Code, Sections 43.1001 – 43.1008 (No smoking or vaping in an enclosed public place or an enclosed place of employment)
City of San Diego Municipal Code, Section 59.0202 (No smoking in City sports facilities)
City of San Diego Municipal Code, Section 63.20.16 (No smoking on City fishing piers)
City of San Diego Municipal Code, Section 68.0131 (No smoking in City airports)
California Health and Safety Code, Section 118875, *et seq.* (No smoking in public buildings and transportation)
California Government Code, Sections 7596-7598 (No smoking in public buildings, public passenger vehicles, and outdoor areas of public buildings)
California Labor Code, Section 6404.5 (No smoking in enclosed space)
California Health & Safety Code, Section 118947, *et seq.* (No smoking in motor vehicles)
California Health and Safety Code, Section 119405 (Electronic cigarette defined)

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