

DEPARTMENT OF  
**HEALTH AND HUMAN SERVICES**

Promoting and protecting health, well-being, self-sufficiency, and safety of all people in Marin County.



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December 20, 2011

Marin County Board of Supervisors  
3501 Civic Center Drive  
San Rafael, CA 94903

**SUBJECT:** Department of Health and Human Services, Division of Alcohol, Drug and Tobacco Programs recommending First Reading: Ordinance amending Chapter 7.70 of the Marin County Code to address smoking in multi-unit housing and to remove language pertaining to youth access to tobacco products.

**RECOMMENDATION:**

1. Request clerk to read ordinance by title only and schedule merit hearing for January 10, 2012, at 10:30am.

**SUMMARY:** Numerous studies conclude that secondhand smoke is harmful to individuals, including a report from the California Air Resources Board declaring secondhand smoke as a toxic air contaminant and a report from the U. S. Surgeon General stating that there is no risk-free level of exposure to secondhand smoke. On November 14, 2006, the Marin County Board of Supervisors approved amendments to the *Marin County Smoke-Free Air and Health Protection Ordinance*. This updated ordinance closed legal loopholes while expanding protections against second-hand smoke exposure to the public, specifically in outdoor gathering places. Recent studies also conclude that secondhand smoke in multi-unit housing poses health problems for non-smoking residents when it drifts from neighboring units, balconies, and outdoor spaces. The Surgeon General has determined that the dangers from secondhand smoke cannot be controlled by ventilation, air cleaning, or the separation of smokers from non-smokers.

Several studies have concluded that smoking in multi-unit housing also contributes to higher maintenance and insurance costs. Many cities in California have begun to address the health dangers and additional costs related to secondhand smoke by implementing secondhand smoke housing policies.

In response to community concerns regarding the public health effects of secondhand smoke exposure, The Smoke-Free Marin Coalition recommends to the Department of Health and Human Services and Board of Supervisors the following ordinance amendments to County Code, Chapter 7.70 Smoking Regulations addressing multi-unit housing dangers:

- Prohibiting smoking in all private outdoor spaces such as balconies, patios and decks and carports;
- Requiring landlords to disclose the location of smoking permitted areas and how complaints are handled;
- Requiring all new multi-unit housing units be 100% smoke free and existing multi-unit housing units to be 80% smoke-free;

- Prohibiting smoking in all common areas of multi-unit complexes; and
- Establish the uninited presence of secondhand smoke as a nuisance and a trespass

Currently Sales of Tobacco Products is addressed in County Code, Chapter 7.70. It is being proposed that language related to youth access to tobacco be removed from County Code, Chapter 7.70 and inserted into new County Code, Chapter 5.75.

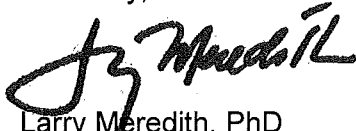
**COMMUNITY IMPACT:** The aim of the proposed ordinance is to significantly reduce the exposure of second-hand smoke to Marin youth and adults living in multi-unit housing. The proposed legislation is supported by the United States Surgeon General report that concluded that there is no risk free level of exposure to secondhand smoke. Also, the California Air Resources Board has determined that second-hand smoke is a toxic air contaminant, finding that exposure to second-hand smoke has serious adverse health effects.

**FISCAL IMPACT:**

There is no net County cost associated with this action.

<b>REVIEWED BY:</b>	<input type="checkbox"/>	Auditor-Controller	<input checked="" type="checkbox"/>	N/A
	<input checked="" type="checkbox"/>	County Counsel	<input type="checkbox"/>	N/A
	<input type="checkbox"/>	Human Resources	<input checked="" type="checkbox"/>	N/A

Sincerely,

  
Larry Meredith, PhD  
Director