

ARTICLE 19L: PROHIBITING SMOKING AT CERTAIN OUTDOOR EVENTS

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SEC. 19L.1. FINDINGS.

- (a) The United States Surgeon General's 2006 Report on the Health Consequences of Involuntary Smoking provides the following:
- (1) Breathing secondhand smoke is a cause of disease in healthy nonsmokers, including heart disease, stroke, respiratory disease, and lung cancer.
 - (2) Secondhand smoke is responsible for as many as 3,000 deaths from lung cancer and 46,000 deaths from heart disease among nonsmokers each year in the United States.
 - (3) Children exposed to secondhand smoke are at an increased risk for sudden infant death syndrome (SIDS), acute respiratory infections, ear problems, and more severe asthma.
 - (4) Scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke.
- (b) According to several studies conducted measuring the tobacco smoke concentrations in various outdoor settings:
- (1) Levels of secondhand smoke exposure outdoors can reach levels attained indoors depending on direction and amount of wind, as well as the number and proximity of smokers.
 - (2) Irritation from secondhand smoke begins at levels as low as 4 micrograms per cubic meter. In some situations this level can be found as far away as 13 feet from the burning cigarette.
 - (3) To be completely free from exposure to secondhand smoke in outdoor places, a person may have to move nearly 25 feet away from the source of the smoke, about the width of a two lane road.
 - (4) Studies on a cruise ship found that even while cruising at 20 knots and with unlimited air volume, outdoor smoking areas contained carcinogens in nearly the same amounts as inside the ship's casino where smoking was allowed.
- (c) According to the 2009 California Health Interview Survey, creating smoke free areas helps protect the health of the 88.4% of San Franciscans who are nonsmokers.
- (d) According to the 2008 Study of California Voters' Attitudes About Secondhand Smoke Exposure found that 75% thought that secondhand smoke is harmful, 64% were bothered by secondhand smoke, 73% support laws restricting smoking at outdoor public places, and people living in cities with strong smoke free air laws are more likely to believe smoking is not acceptable and that smokers should attempt to quit smoking.
- (e) A 2011 Opinion Survey conducted at seven street events in San Francisco from August to October, found that out of the almost 600 surveys collected: 67% favored making all street events in San Francisco smoke-free and 58.9% have been bothered by secondhand smoke at street events.
- (f) According to the California Clean Air Project, California Secondhand Smoke Policy Database, as of 2008, there were 187 California cities and counties with local laws restricting smoking in at least one outdoor area.
- (g) The Board of Supervisors finds and declares:
- (1) Nonsmokers have no adequate means to protect themselves from the damage inflicted upon them by secondhand smoke.
 - (2) Regulation of smoking at outdoor events is necessary to protect the health, safety, welfare, comfort, and environment of nonsmokers.
 - (3) It is, therefore, the intent of the Board of Supervisors, in enacting this Article, to protect nonsmokers from secondhand smoke and to eliminate smoking, as much as possible, at certain outdoor events.

(Added by Ord. 6-13, File No. 120772, App. 2/4/2013, Eff 3/6/2013)

SEC. 19L.2. DEFINITIONS.

- (a) "Event producer" means any person or organization charged with developing, designing, managing and/or implementing an outdoor event, and shall include any person or organization submitting a permit application under Article 6 of the San Francisco Transportation Code, except for individuals or neighborhood organizations applying for a Neighborhood Block Party.
- (b) "Neighborhood Block Party" means an a neighborhood gathering that is a one block closure in a residential neighborhood, does not block or affect intersections, and is sponsored by a neighborhood organization or individual who lives on the block to be closed.
- (c) "Outdoor Event" means an outdoor assembly regardless of the number of people gathering on property owned by the City and County of San Francisco ("City"), including sidewalks and streets that requires approval by the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT) and/or the Director of Transportation under Article 6 of the San Francisco Transportation Code, such

as, but not limited to, street fairs, athletic events, performances, competitions, arts and crafts events, and food events, except Neighborhood Block Parties.

(d) "Secondhand Smoke" means smoke emitted from lighted, smoldering, or burning tobacco, when the person smoking is not inhaling smoke emitted at the mouthpiece during puff drawing, and smoke exhaled by the person smoking.

(e) "Smoking" or "to smoke" means and includes inhaling, exhaling, burning or carrying any lighted smoking equipment for tobacco or any other weed or plant, except that this Article shall not affect the policy making marijuana offenses the lowest law enforcement priority under Chapter 12X of the Administrative Code nor affect any laws or regulations regarding medical cannabis.

(f) "Smoking Signs" means the international "No Smoking" symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle, with a diameter of at least three inches, with a red bar across it, and which includes a statement at the bottom of the sign that reads "SF Health Code Article 19L" in font no less than 1/8 inch in height.

(Added by Ord. 6-13, File No. 120772, App. 2/4/2013, Eff 3/6/2013)

SEC. 19L.3. PROHIBITING SMOKING AT CERTAIN OUTDOOR EVENTS.

(a) Smoking is prohibited at outdoor events on property owned by the City that require approval under Article 6 of the San Francisco Transportation Code, except for Neighborhood Block Parties.

(b) The event producer shall notify the public that the event is smoke-free by meeting the following conditions:

(1) All electronic or print promotional materials, including but not limited to, website, electronic promotional materials, print advertisements, radio, television, internet, newspaper, media, shall state that this is a smoke free event per SF Health Code, Article 19L.

(2) Each event shall have at least one Smoking Sign at one point of entry and exit.

(3) Events with amplified sound must make an announcement at the start and at least one announcement every two hours at each stage during an event that this is a smoke free event.

(Added by Ord. 6-13, File No. 120772, App. 2/4/2013, Eff 3/6/2013)

SEC. 19L.4. VIOLATIONS.

The Director of Transportation and ISCOFF will consider any prior violations of Section 19L.3(b) on all permit applications for outdoor events requiring their review and approval.

(Added by Ord. 6-13, File No. 120772, App. 2/4/2013, Eff 3/6/2013)