

SB 575 (DeSaulnier) – Closing the Loopholes in California’s Smoke-free Workplace Law

This bill, which we are co-sponsoring with the American Lung Association and the American Heart Association, would eliminate loopholes in California’s smoke-free workplace law. Though groundbreaking when it was passed, our state’s smoke-free workplace law has been eclipsed by the states that have followed us. Twenty-four states have been designated by the Centers for Disease Control and Prevention (CDC) as 100% smoke-free. California is not one of those states. Additionally, some of the exemptions in our law have allowed for the growing trend of hookah bars that allow indoor smoking. This bill would help us get the CDC’s 100% smoke-free designation, would stop hookah bars from skirting the law, and will protect workers.

Specifically, this bill would delete the following exemptions in the state’s smokefree workplace law:

- Areas of the lobby in hotel/motel
- Meeting and banquet rooms in hotel/motel
- Retail or wholesale tobacco shops
- Warehouses
- Gaming Clubs*
- Bars and Taverns*
- Breakrooms
- Employers with a total of five or fewer employees
- Owner-operated businesses
- Smoking rooms in nursing homes

It would also strengthen remaining exemptions by:

- Increasing the required number of smokefree hotel rooms from 35 percent to 80 percent
- Eliminating the ability of family child care homes to allow smoking indoors when children are present

We have also created a website, <http://close loopholes.com/>, to help drive information sharing about the bill.

The Government Relations Office is currently reviewing the 2416 other bills that have been introduced this year to identify those on which the Division should engage.

* Current law establishes that smoking is prohibited in these establishments unless regulations are established that would protect patrons and workers from secondhand smoke. The specified regulations have not been adopted so smoking is prohibited. The deletion of these exemptions is simply clean-up.