

**RESOLUTION NO. 83-802**

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

**RESOLUTION ESTABLISHING A POLICY  
REGULATING SMOKING AT THE WORK PLACE**

**WHEREAS,** numerous studies have found that tobacco smoke is a major contributor to indoor air pollution; and

**WHEREAS,** studies have shown involuntary inhalation of smoke to be a significant health hazard for several populations, including elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease; and

**WHEREAS,** health hazards induced by involuntary inhalation of smoke include lung cancer, respiratory infection, increased episodes of decreased exercise tolerance, decreased respiratory function, bronchoconstriction, and bronchospasm; and

**WHEREAS,** nonsmokers with allergies, respiratory diseases and those who suffer other ill effects of breathing secondhand smoke may experience a loss of job productivity or may be forced to take periodic sick leave because of reactions to secondhand smoke; and

**WHEREAS,** it is the policy of the Sacramento City Council to protect and enhance indoor air quality, thereby contributing and promoting the health and well being of all employees by providing a smoke free environment at the work place.

**NOW, THEREFORE, BE IT RESOLVED** that the Sacramento City Council, by resolution, approves the attached policy (Exhibit A) regulating smoking at the work place and hereby designates each City department head responsible for implementation and enforcement of this smoking policy; and

**BE IT FURTHER RESOLVED** that each City Department shall utilize this policy regulating smoking at the work place, which addresses the rights of nonsmokers to a smoke free environment in formal meetings, informal meetings and work stations, and which allows for administration of the policy and for the resolution of conflicts regarding the policy on or before October 10, 1983.

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\_\_\_\_\_  
**MAYOR**

**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

CITY OF SACRAMENTO

**POLICY REGULATING SMOKING AT THE WORK PLACE**

Adopted by the City Council

Date: \_\_\_\_\_ Resolution No. \_\_\_\_\_

APPROVED  
BY THE CITY COUNCIL

OCT 11 1983

OFFICE OF THE  
CITY CLERK

**I. PURPOSE AND OBJECTIVES**

It is the policy of the City of Sacramento to regulate smoking on the premises since tobacco smoke has been found to be a major contributor to indoor air pollution. Studies have shown that secondhand smoke is a health risk for all, but especially to those individuals suffering from cardiovascular disease, impaired lung function, asthma, hay fever, certain eye disorders, and those with allergic reaction to tobacco smoke. This policy is designed to protect and enhance indoor air quality and contribute to the health and well-being of all employees.

**II. SMOKING IN COMMON AREAS: Conference, Meeting, and Training Rooms**

Smoking is not permitted during meetings in conference rooms, auditoriums, training rooms, and classrooms. These rooms will be clearly posted as nonsmoking areas. Ashtrays will be removed. Persons responsible for meetings or training will, if possible, allow breaks at least every two hours to permit those who smoke to do so in a smoking permitted area.

Each department head shall designate well ventilated "smoking permitted" areas in each facility within his/her responsibility.

Other posted nonsmoking areas include: elevators, reception and interview desks, public counters, waiting rooms, library rooms, computer rooms and other electronic equipment, rooms with flammable liquids/materials, copy rooms, and other areas with high fire risk or sanitary requirements.

**III. EMPLOYEE LOUNGE**

Employee lounges (rest areas) with capacity of twelve (12) or more people shall be divided into smoking and nonsmoking, clearly marked with appropriate signs. The smoking area will, if possible, be located near return air ducts. Employee lounges (rest areas) with a capacity of fewer than twelve (12) people shall be designated as "No Smoking."

**IV. PRIVATE OFFICES**

A private office may be designated smoking or nonsmoking by its occupant. Visitors to private offices should abide by the "No Smoking" designation.

**V. SHARED OFFICE AREAS**

In either enclosed offices with two or more employees or in open office areas, a responsible supervisor will identify open areas or well ventilated enclosed areas where smoking is permitted. Office layouts may be rearranged and changes in desk assignments or locations made to separate smokers and nonsmokers. Smokers should be placed near return air ducts where feasible. Nothing in this policy requires the building of partitions between smokers and nonsmokers.

**VI. CONFLICT RESOLUTION**

Should conflict develop relative to shared office areas, the supervisor shall meet with the employees assigned to that work area in an effort to resolve or reduce the problem to the mutual satisfaction of all concerned. However, if an employee protests, in writing, to smoke in his or her work area on the basis that it is harmful to his or her health, that entire work area shall be posted as a "No Smoking" area.

**VII. POLICY ADMINISTRATION**

Each City department head shall be responsible to supervise overall implementation of this policy within their department. Supervisors have responsibility for policy implementation within their work areas.

Flexibility and consideration of the needs of both smokers and nonsmokers should provide for resolution of most problems. However, the health concerns of nonsmokers shall be given priority consideration in resolving any conflicts arising from implementation of this policy.



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CITY OF SACRAMENTO  
CALIFORNIA

OFFICE OF THE  
CITY MANAGER

City Council  
Sacramento, California

Honorable Members in Session:

**SUBJECT: ADOPTION OF A POLICY REGULATING SMOKING AT THE WORK PLACE**

SUMMARY

This report recommends that the City Council, by resolution, adopt the attached policy regulating smoking at the work place.

BACKGROUND

Several members of the City Council supported a request by Councilmember Rudin for the City Manager to develop a policy which regulates smoking at the work place.

The City policy, as proposed in Exhibit A, reflects the basic structure of the recently approved Sacramento County policy. Elements of several public agency policies are also included.

Senior management staff and employee union representatives have reviewed and commented on the proposed policy.

FINANCIAL DATA

Implementation of this policy is expected to have little or no financial impact on the City. Nothing in the policy requires extensive physical changes in the work place.

RECOMMENDATION

It is recommended that the City Council, by resolution, adopt the attached Exhibit A entitled **POLICY REGULATING SMOKING AT THE WORK PLACE** effective October 10, 1983.

Respectfully submitted,

*Solon Wisham, Jr.*  
SOLON WISHAM, JR.  
Assistant City Manager

APPROVED  
BY THE CITY COUNCIL

OCT 11 1983

OFFICE OF THE  
CITY CLERK

Recommendation Approved:

*Walter J. Slupe*  
WALTER J. SLUPE, City Manager

Attachment

September 28, 1983

All Districts

FILED  
September 28, 1983  
By the City Clerk  
Office of the City Clerk  
*Cont to*  
*10-11-83*  
SEP 28 1983



**Jack Schreder & Associates**

1227 "C" Street, Suite 12  
Sacramento, California 95814  
(916) 447-1494

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CITY OF SACRAMENTO

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September 27, 1983

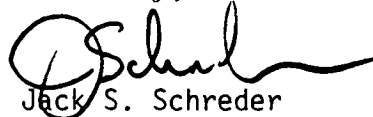
R. Burnett Miller, Mayor  
City of Sacramento  
City Hall, Room 205  
915 I Street  
Sacramento, California 95814

Dear Mayor Miller:

On the Wednesday, September 28th agenda of the City Council, Item 28 is a city smoking policy. My client, The Tobacco Institute, has an interest in understanding the implications of such a policy. In earlier discussions with the city administration and individual council members, I was assured that a copy of any forthcoming policy would be provided for our assessment prior to being placed on the City Council agenda. Information was not provided in that manner. We find there is not ample time to assess the impact of such a policy.

I respectfully request that this issue be continued until a later date to provide the opportunity for a response regarding our interest.

Sincerely,



Jack S. Schreder

cc: Councilman Terry Kastanis  
Councilman David M. Shore  
Councilman Blaine H. Fisher  
Councilman Douglas N. Pope  
Councilwoman Anne Rudin  
Councilman Joe Serna, Jr.  
Councilwoman Eva Salcedo-Garcia  
Councilwoman Lynn Robie

JSS:pko







# minnesota department of health

717 s.e. delaware st. p.o. box 9441 minneapolis 55440  
(612) 623-5000

September 26, 1983

#28  
Californians for Nonsmokers' Rights  
P. O. Box 668  
Berkeley, CA 94701

Dr. Raymond Weisberg, President  
San Franciscos for Local Control  
4690 - 18th Street  
San Francisco, CA 94114

Dear Dr. Weisberg:

The Minnesota Clean Indoor Air Act, Minnesota Statutes Section 144.412, was enacted in 1975 to protect the public health by prohibiting smoking in public places except in designated smoking areas. A public place was specifically defined to include a place of work. Since 1975, I have been employed in the Minnesota Department of Health as Section Chief, Environmental Field Services, with responsibility for implementation and enforcement of the MCIAA. You have asked me to describe how the public has received the law since its enactment eight years ago.

In general, it is my opinion that there has been broad acceptance of the law among employers. The Minnesota Department of Health has been receiving an average of about 137 complaints per year from nonsmoking employees involving alleged workplace violations. Virtually all of these complaints have been resolved satisfactorily through correspondence and discussions between Department personnel, the employer and the employee. To my knowledge there have been no lawsuits involving workplace violations. Also, I know of no grievance proceedings which have arisen under labor contracts because of the application of the law to the workplace.

The most recent poll (May, 1980) indicated that the MCIAA is approved by 92% of all Minnesota adults, including nonsmokers and smokers.

My experience as the principal enforcement officer of the Minnesota Department of Health is consistent with the poll. I believe that the law has resulted in significant progress in protecting nonsmokers from ambient tobacco smoke at the workplace, without an undue hardship on employers and smoking employees. This has been achieved with minimum governmental intervention and at no additional public tax cost.

If I can be of further service to you, please feel free to contact me.

Yours very truly,

C. B. Schneider, R.S., Chief  
Section of Environmental Field Services

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#28

A D D E N D U M

SCIENTISTS: WHAT SOME OF THE MOST REPUTABLE  
HAVE DISCOVERED AND ARE SAYING.

1. THE FOUNDATION LEVEL STUDY: sponsored by AMERICAN LUNG ASSOCIATION'S Massachusetts Chapter-performed at HARVARD UNIVERSITY by DR. W. HINDS & DR. M. FIRST-- published New England Journal of Medicine, April, 1975.

Using nicotine (the only measurable element indigenous to tobacco smoke) as a tracer, Drs. Hinds & First endeavored to measure the level of tobacco smoke a non-smoker could be exposed to in a variety of public smoking areas.

THE FINDING: A NON-SMOKER WOULD HAVE TO SIT IN A CROWDED, SMOKY COCKTAIL LOUNGE FOR UPWARDS OF ONE HUNDRED CONSECUTIVE HOURS JUST TO ABSORB THE EQUIVALENT OF ONE AVERAGE CIGARETTE.

2. AMERICAN CANCER SOCIETY STUDY: the most extensive investigation to date on the risk of lung cancer among non-smoking wives of smokers versus the non-smoking wives of non-smokers.

THE FINDING: WIVES OF SMOKERS DID NOT HAVE A HIGHER RISK OF LUNG CANCER THAN THE WIVES OF NON-SMOKERS.

(journal of the national cancer institute, june, 1981)

(scientists continued:)

3. LAWRENCE GARFINKEL: vice president & chief of epidemiology, (chief researcher) for the AMERICAN CANCER SOCIETY-- author of ACS study on wives of smokers vs. wives of non-smokers.

QUOTE: "PASSIVE SMOKING MAY BE A POLITICAL MATTER, BUT IT IT IS NOT A MAIN ISSUE IN TERMS OF HEALTH POLICY."

*(to the w. german medical journal: munch med wschr, 10/82)*

4. DR. KENNETH MOSER: chief of pulmonary medicine--u.c. san diego; board of directors--california lung association; past president--california thoracic society, author of more than 120 scholarly books and articles on health issues.

QUOTE: "THERE IS NOT ... A SUFFICIENT BODY OF HARD FACTS TO SUPPORT THE VIEW THAT PUBLIC SMOKING POSES A HEALTH HAZARD TO THE LUNGS OF THE NON-SMOKER."

*(in testimony; san diego city council; oct., 1982)*

5. DR. DONALD P. LOURIA: chairman, department of preventative medicine and community health--new jersey medical school; author of the popular medical book: STAY WELL.

QUOTE: "THE ANTI-SMOKING LOBBY HAS BECOME HYSTERICAL... THERE IS SIMPLY NO JUSTIFICATION FOR BANNING CIGARETTE SMOKING IN DECENTLY VENTILATED PUBLIC PLACES."

QUOTE: "CIGARETTE SMOKING BY OTHERS DOES NOT CAUSE CANCER, BRONCHITIS, HEART DISEASE, OR ANY OTHER HAZARD TO THE HEALTH OF THOSE NEARBY."

*(STAY WELL: copyright 1982.)*

(scientists continued:)

6. DR. ELIZABETH WHELAN: executive director--american council on science and health.

APPEARING ON A NATIONWIDE TELEVISION PROGRAM FOR THE EXPRESS PURPOSE OF SPEAKING AGAINST SMOKING...DR. WHELAN INCLUDED IN HER REMARKS THE COMMENT THAT THE SECOND-HAND SMOKE ISSUE HAD BEEN: "OVERSTATED" AND THAT OVERALL IT MADE FOR A: "VERY MINOR PROBLEM."

*(the merv griffin show, march 23, 1983.)*

7. DR. ERNST WYNDER: president--american health foundation.

QUOTE: "THE FACT THAT HEAVY CIGAR AND PIPE SMOKERS WHO BREATHE IN THEIR OWN SMOKE MOST OF THE DAY HAVE A RELATIVELY LOW RISK OF LUNG CANCER AND THAT BARTENDERS AND WAITERS WHO TEND TO WORK IN SMOKE FILLED ROOMS HAVE NOT BEEN REPORTED TO HAVE A HIGHER THAN EXPECTED RATE OF LUNG CANCER...SUGGESTS THAT PASSIVE INHALATION OF SMOKE (DOES NOT) CONSTITUTE A RISK FOR THE NON-SMOKERS."

*(seminars in respiratory medicine, january, 1982.)*