[Prohibition on Smoking in Public Transit Stops and Shelters]

Ordinance amending Section 1009.22 of the San Francisco Health Code, to prohibit smoking in public transit stops and shelters.

Note: Additions are single-underline italics Times New Roman; deletions are strikethrough italics Times New Roman.
Board amendment additions are double underlined.
Board amendment deletions are strikethrough normal.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Health Code is hereby amended by amending Section 1009.22 to read as follows:

SEC. 1009.22. PROHIBITING SMOKING IN BUILDINGS AND ENCLOSED STRUCTURES CONTAINING CERTAIN USES AND CERTAIN SPORTS STADIUMS.

(a) Smoking is prohibited in buildings and enclosed structures which contain any of the facilities or uses set forth below.

(1) Facilities owned or leased by the City and County of San Francisco; every commission, department or agency, with jurisdiction over such property shall adopt regulations or policies implementing the provisions of this Article; provided, however, with respect to facilities located outside the City and County of San Francisco, the regulations or policies shall prohibit smoking in enclosed areas during those times that the public has access, except that (A) in any enclosed area a designated smoking area may be provided if it is physically separated from and no larger than the nonsmoking area, and (B) when the public does not have access to an enclosed area, the provisions of Article 19 apply;

(2) Facilities in which the business of any governmental body or agency is conducted, including hearing rooms, courtrooms or places of public assembly;

(3) Polling places;

Supervisor Ma
BOARD OF SUPERVISORS
(4) Health facilities, including, but not limited to, hospitals, long term care facilities, doctors' and dentists' offices, inpatient rooms, and outpatient examination and treatment rooms;

(5) Educational facilities;

(6) Business establishments;

(7) Nonprofit establishments, except that persons qualifying under California Health and Safety Code Section 11362.5 to use medical marijuana may smoke medical marijuana on the premises of a nonprofit medical marijuana buyer's club;

(8) Aquariums, galleries, libraries and museums;

(9) Child care facilities, except when located in private homes;

(10) Facilities used for exhibiting motion pictures, drama, dance, musical performance, lectures, or other entertainment;

(11) Sports arenas; provided, however, that Subsection (b) shall govern sports stadiums as defined in that subsection;

(12) Convention facilities;

(13) Restaurants, subject to the provisions of Section 1009.24.

(14) Ticketing, boarding and waiting areas of public transit systems, including bus, train, trolley and cable car stops and shelters.

Smoking is prohibited throughout the building or structure and in the common areas, including the elevators, hallways, stairways, restrooms, conference and meetings rooms, and eating and break rooms, if any.

(b) No owner, manager, or operator of a sports stadium shall knowingly or intentionally permit, and no person on the premises shall engage in, the smoking of tobacco products in any enclosed or open space at a sports stadium except in (1) concourses and
ramps outside seating areas, (2) private suites and corridors to private suites, and (3) areas
designated for parking. Any portion of a sports stadium used as a bar or restaurant shall be
governed by the provisions of this Article regulating smoking in bars and restaurants. For
purposes of this subsection, a sports stadium means a publicly owned facility which has a
seating capacity of at least 30,000 people.

(c) it is unlawful for any person to smoke in any area where this Article prohibits
smoking. It is unlawful for the owner of any property, facility or establishment subject to this
Article or, if a different person has the right to possession or management of such property,
facility or establishment, for that person to permit any person to smoke in any area where
smoking is prohibited by this Article.

(d) No person who owns, operates or manages property will be deemed to be in
violation of the requirements of this Article with respect to persons smoking in such areas over
whom they have no right of direction and control if they have taken the following reasonable
steps to prevent smoking by such persons:

(1) Posted clear and prominent "no smoking" signs at each entrance to the premises;

(2) Requested, when appropriate, that such person refrain from smoking.

For purposes of this subsection, "reasonable steps" shall not include the physical
ejection of a person from the premises.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By:
ALEETA M. VAN RUNKLE
Deputy City Attorney
Ordinance amending Section 1009.22 of the San Francisco Health Code, to prohibit smoking in public transit stops and shelters.

April 4, 2006  Board of Supervisors — PASSED ON FIRST READING
   Ayes: 9 - Aliotto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Sandoval
   Noes: 2 - Elsbernd, Peskin

April 11, 2006  Board of Supervisors — FINALLY PASSED
   Ayes: 7 - Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi
   Noes: 3 - Elsbernd, Peskin, Sandoval
   Excused: 1 - Alioto-Pier
I hereby certify that the foregoing Ordinance was FINALLY PASSED on April 11, 2006 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

Date Approved

4-20-06

Mayor Gavin Newsom