






City of Long Beach
Working Together to Serve

 **R-19**
COUNCILWOMAN
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Date: August 21, 2018

To: Honorable Mayor and Members of the City Council

From: Councilwoman Suzie Price, Third District 
Councilwoman Lena Gonzalez, First District 
Councilman Rex Richardson, Ninth District 

Subject: Prohibition of Restaurant Patio Smoking

INTRODUCTION:

Current Long Beach municipal code 8.68.090 B states that any eating establishment "...which maintain an outdoor seating area shall maintain a contiguous no smoking area of not less than two-thirds (2/3) of both the outdoor seating capacity or the outdoor floor space in which customers are being served."¹ This policy stands in stark contrast to the increasing necessity and public desire for greater health protections from the harmful effects of second-hand smoke.

Since the 1964 Surgeon General's Report, 2.5 million adults who were nonsmokers died because they breathed secondhand smoke. Secondhand smoke causes numerous health problems in infants and children, including more frequent and severe asthma attacks, respiratory infections, ear infections, and sudden infant death syndrome (SIDS) as well as countless further reasons that include cancer, coronary heart disease, and stroke.²

Today we all know the harms that people suffer from exposure to smoke which goes well beyond the individual choosing to smoke but to those nearby in public, children and elderly who are more susceptible to the harms of second-hand smoke, as well as employees in restaurants who have no choice but to be exposed to smoke in the course of their day to day job. The proof of health consequences is overwhelming and undeniable, and as such the City of Long Beach should not require smoking in publically or privately owned eating establishments to be allowed, or within close proximity to those outdoor seating areas or open windows and doors of enclosed eating establishments.

Long Beach has been a leader in healthy living by establishing bike lanes, authorizing community gardening programs, and urban farming, we have

¹https://library.municode.com/ca/long_beach/codes/municipal_code?nodeId=TIT8HESA_CH8.68SMPUPL_8.68.060SMPRNCPUPL

² https://www.cdc.gov/tobacco/data_statistics/fact_sheets/secondhand_smoke/health_effects/index.htm



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required healthier options for drinks in kids menus, and we restrict vehicle idling which are all done with the goal of improving public health.

Long Beach has fallen behind the trend throughout the state and nation of providing stronger protections for residents to not be exposed to second-hand smoke. Long Beach as already prohibited smoking in elevators, hospitals, healthcare facilities, childcare facilities, public meeting rooms, enclosed public spaces, city beaches, bike paths, parks and recreational areas, public restrooms, bus stops, farmers markets, enclosed eating establishments, mobile food preparation vehicles, retail food production and marketing establishments, and in all workplaces. With the efforts already made we are leaving a glaring loophole as Long Beach residents would still be exposed to second-hand smoke at restaurants with outdoor seating.

This is not intended to disallow exemptions for cigar lounges, hookah bars, tobacco clubs or other smoking lounges or businesses where smoking is the primary feature of the establishment.

RECOMMENDATION:

The City Council is requesting the City Attorney draft an ordinance banning smoking on outdoor seating areas of publically and privately owned eating establishments, and within a given distance from outdoor eating establishment seating.

FISCAL IMPACT:

There is no financial impact as a result of the recommended action.