



Legislation Details (With Text)

**File #:** 08-1237      **Version:** 1      **Name:** CD-7 - Business exemption  
**Type:** Agenda Item      **Status:** Passed  
**File created:** 11/24/2008      **In control:** City Council  
**On agenda:** 12/2/2008      **Final action:** 12/2/2008  
**Title:** Recommendation to request City Attorney to draft an ordinance amending Chapter 8.68 of the Long Beach Municipal Code to provide an exemption for "private smokers lounge" or cigar bars.  
**Sponsors:** COUNCILMEMBER TONIA REYES URANGA, SEVENTH DISTRICT, COUNCILMAN DEE ANDREWS, SIXTH DISTRICT, VICE MAYOR VAL LERCH, COUNCILMEMBER, NINTH DISTRIC  
**Indexes:** Ordinance request  
**Code sections:**  
**Attachments:** 1. 120208-R-25sr.pdf, 2. 120208-R-25-Handout Claudette Powers.pdf

Date	Ver.	Action By	Action	Result
12/2/2008	1	City Council	approve recommendation	Pass
12/2/2008	1	City Council	approve substitute motion	Fail

Recommendation to request City Attorney to draft an ordinance amending Chapter 8.68 of the Long Beach Municipal Code to provide an exemption for "private smokers lounge" or cigar bars.

The California State Legislature enacted Labor Code 6404.5 to regulate smoking in the workplace as a matter of statewide to eliminate the need of local governments to enact workplace-smoking restrictions within their respective jurisdictions. It was the intent of the Legislature to eliminate the confusion and hardship that can result from enactment or enforcement of disparate local workplace smoking restrictions.

It was the intent of the Legislature that any area not defined as a "place of employment" in which the smoking of tobacco products is not regulated by the State Labor Code shall be subject to local regulation of smoking of tobacco products. The City of Long Beach enacted a ban on smoking in enclosed places that includes area permitted under the California Labor Code. The State legislation permits smoking in "private smokers' lounge" or also known as cigar lounges.

**§ 6404.5 (d)** For purposes of this section, "place of employment" does not include any of the following:

**(4)** Retail or wholesale tobacco shops and private smokers' lounges. For purposes of this paragraph:

**(A)** "Private smokers' lounge" means any enclosed area in or attached to a retail or wholesale tobacco shop that is dedicated to the use of tobacco products, including, but not limited to, cigars and pipes.

**(B)** "Retail or wholesale tobacco shop" means any business establishment the main purpose of which is the sale of tobacco products,

including, but not limited to, cigars, pipe tobacco, and smoking accessories.

I believe that it would be appropriate for the City of Long Beach to align its smoking ordinance the State Labor Code by enacting an exemption as provided under Labor Code 6404.5 (d) 4A and 4B.

Approve recommendation.

Councilmember Tonia Reyes Uranga  
Seventh District

Councilman Dee Andrews  
Sixth District

Vice Mayor Val Lerch  
Councilmember, Ninth District