



Date: November 10, 2009

To: Patrick H. West, City Manager

From: Helene Calvet, MD, City Health Officer, Department of Health & Human Services  
Ronald R. Arias, Director, Department of Health & Human Services

For: Mayor & Members of the City Council  
Economic Development & Finance Committee Members

Subject: **Health Concerns Regarding Smoking Lounge Exemption**

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The following information is submitted in response to a request on November 3, 2009 by City Council for the City Health Officer to provide information about health concerns regarding the Smoking Lounge Exemption.

The Smoking Lounge Exemption to Chapter 8.68 of the City's Smoking in Public Places Ordinance is a policy initiative directed by the City Council. As outlined below, the Health Department does not endorse the policy, but should the Council approve the exemption, the Health Department will diligently enforce the regulations. The Health Department's role in this policy initiative is to respond to council by developing a regulatory process for reviewing, approving and enforcing smoking lounges as defined in the LBMC Chapter 8.68 and to present these proposed regulatory changes to the City Council.

The Health Department's core mission is to support laws and regulations that *strengthen* public health protections from tobacco use and exposure to secondhand smoke. The health effects of tobacco use and exposure are well documented to cause disease and disability, and tobacco-related health conditions are a leading cause of death. The State of California's laws limiting tobacco use and access have had positive health effects on the population, with declining case rates for cancers and other health conditions associated with tobacco exposure. Long Beach had the distinction of having the most protective, comprehensive and strongest policy in the state of California for no smoking in public places and workplaces. While the Smoking Lounge Exemption now aligns Chapter 8.68 with the State of California Labor Code 6404.5, which provides an exemption for smokers lounges, it will now expose the public (customers), employees and other types of workers such as mail carriers, delivery persons and vendors of these establishments to secondhand smoke, a known harmful carcinogen. The modification of these laws is a policy decision of the City Council. This policy decision is not consistent with the Health Department's mission of promoting and protecting public health. Nevertheless, the Council sets policy for the City and the Health Department implements those policies.

In 2006, the California Air Resources Board identified secondhand smoke as a Class A carcinogen, and determined that there is no risk-free level of second hand smoke exposure. Even brief exposure can be dangerous. The California Environmental Protection Agency estimates that secondhand smoke exposure still causes approximately 3,400 lung cancer deaths and up to 70,000 heart disease deaths annually among adult nonsmokers in the United States.

Cigars will be the tobacco product primarily smoked in the exempted smoking lounges. The National Cancer Institute (NCI) reports that cigars contain the same toxic and carcinogenic compounds found in cigarettes and are not safe alternatives to cigarettes. The NCI also provides information that regular cigar smoking is associated with increased risk for cancers of the lung, oral cavity, larynx and esophagus. The NCI also states that heavy cigar smoking poses increased risk for developing coronary heart disease and chronic obstructive pulmonary disease (COPD).

The American Cancer Society reports that cigars contain more tobacco than cigarettes, and because they often burn much longer, cigars give off greater amounts of secondhand smoke.

In accordance with the proposed changes, the Health Department will have jurisdiction to administer and enforce Chapter 8.69 the Smoking Lounge Ordinance. Given the directive from the Council to include restrictive measures on age limits, food, beverages and separate ventilation standards, the Health Department has worked with the City Attorney and Department of Development Services to incorporate strong regulations to mitigate unintended health consequences. Key elements in these regulations include:

- Preventing children and youth under 18 years of age from being exposed to smoking behaviors and secondhand smoke;
- Upholding the California Smoke Free Workplaces and Bars regulations and California Health and Safety Codes regarding food and beverages;
- Providing strict ventilation standards per California Building Energy Efficiency Standards for Residential and Nonresidential Buildings and the Long Beach Mechanical Code.

In addition, all smoking lounge establishments will be required to post health warning signage that includes Proposition 65 language regarding exposure to tobacco smoke as a carcinogen and a smoking hazard sign supplied by the Health Department.

The Health Department considers the enforcement of this new ordinance a serious responsibility. Health Department staff will work closely with the City Attorney, City Prosecutor and other City departments to enforce the proposed regulations in a fair and professional manner. Violations of the requirements in the Smoking Lounge Ordinance may result in suspension and/or revocation of the Smoking Lounge Permit after due process. The department's experience in administering other regulatory programs will ensure the successful implementation and enforcement of these proposed regulations.

Thank you for this opportunity to brief the Mayor and City Council on this issue. If you have any further questions we may be reached at extension 84047 for Dr. Calvet and extension 84016 for Ron Arias.

cc: Suzanne M. Frick, Assistant City Manager  
Robert E. Shannon, City Attorney  
Heather A. Mahood, Assistant City Attorney  
Linda Trang, Deputy City Attorney