

Marin County ORDINANCE NO. 7.70

**AN ORDINANCE OF THE COUNTY OF MARIN
REGULATING SECOND-HAND SMOKE AND AMENDING
THE MARIN COUNTY CODE**

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES ORDAIN AS
FOLLOWS:

SECTION 1. FINDINGS.

The Marin County Board of Supervisors hereby finds and declares as follows:

WHEREAS, scientific studies have concluded that cigarette smoking causes chronic lung disease, coronary heart disease, stroke, cancer of the lungs, larynx, esophagus, mouth, and bladder, and contributes to cancer of the cervix, pancreas, and kidneys;¹ and

WHEREAS, the use of cigars is known to cause lung, larynx, esophageal, and oral cancer;² and

WHEREAS, more than 440,000 people die in the United States from tobacco related diseases every year, making it the nation's leading cause of preventable illness;³ and

WHEREAS, the World Health Organization (WHO) estimates that by 2030, tobacco will account for 10 million deaths per year, making it the greatest cause of death worldwide;⁴ and

WHEREAS, deaths from smoking around the world will soon outnumber those from AIDS, tuberculosis, traffic accidents, murder, and suicide combined;⁵ and

1 U.S. Dep't of Health and Human Servs., Centers for Disease Control and Prevention, *Targeting Tobacco Use: The Nation's Leading Cause of Death 2002*, 2 (2002), available at <http://www.cdc.gov/tobacco/overview/oshaag.pdf> (last accessed August 15, 2003).

2 U.S. Dep't of Health and Human Servs., Centers for Disease Control and Prevention, *Annual Smoking – Attributable Mortality, Years of Potential Life Lost, and Economic Costs – United States 1995-1999* (2002) MORBIDITY AND MORTALITY WEEKLY REPORT, available at <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5114a2.htm> (last accessed August 15, 2003).

3 U.S. Dep't of Health and Human Servs., Centers for Disease Control and Prevention, *Highlights Annual Smoking – Attributable Mortality, Years of Potential Life Lost, and Economic Costs – United States 1995-1999* (2002) MORBIDITY AND MORTALITY WEEKLY REPORT, available at http://www.cdc.gov/tobacco/research_data/economics/mmwr5114.highlights.htm (last accessed August 15, 2003).

4 U.S. Dep't of Health and Human Servs., Centers for Disease Control and Prevention, *Reducing Tobacco Use: A Report of the Surgeon General*, 437 (2001).

5 Macksood Aftab, et. al., *International Cigarette Labeling Practices*, 8:4 TOBACCO CONTROL 368 (1999).

WHEREAS, the United States Environmental Protection Agency (EPA) has found secondhand smoke to be a risk to public health, and has classified secondhand smoke as a group A carcinogen, the most dangerous class of carcinogen;⁶ and

WHEREAS, exposure to secondhand smoke is the third leading cause of preventable death in this country, killing over 52,000 non-smokers each year,⁷ including 3,000 deaths from lung cancer; ⁸ and

WHEREAS, between 4,200 and 7,440 nonsmokers die of ischemic heart disease from secondhand smoke each year in California;⁹ and

WHEREAS, 87.9% of non-smokers showed detectable levels of cotinine (a metabolite of nicotine) in their blood, the most likely source of which is secondhand smoke exposure;¹⁰ and

WHEREAS, secondhand smoke exposure adversely affects fetal growth, with elevated risk of low birth weight and increased risk of Sudden Infant Death Syndrome (SIDS) in infants of mothers who smoke;¹¹ and

WHEREAS, secondhand smoke exposure causes as many as 300,000 children in the United States to suffer from lower respiratory tract infections, such as pneumonia and bronchitis,¹² exacerbates childhood asthma, and increases the risk of acute, chronic, middle ear infection in children;¹³ and

⁶ U.S. Dep't of Health and Human Servs., Centers for Disease Control and Prevention, *Clean Indoor Air Regulations Fact Sheet* (2001), available at http://www.cdc.gov/tobacco/sgr/sgr_2000/factsheets/factsheet_clean.htm (last accessed Apr. 23, 2003).

⁷ S.A. Glantz & W. Parmley, *Passive Smoking and Heart Disease: Epidemiology, Physiology, and Biochemistry*, 83(1) *Circulation* 1 (1991) and *California Environmental Protection Agency, Office of Env'tl. Health Hazard Management, Health Effects of Exposure to Environmental Tobacco Smoke: Final Report* (1997).

⁸ U.S. Dep't of Health and Human Servs., Centers for Disease Control and Prevention, *Targeting Tobacco Use: The Nation's Leading Cause of Death 2002*, 2 (2002), available at <http://www.cdc.gov/tobacco/overview/oshag.pdf> (last accessed August 15, 2003).

⁹ National Cancer Institute, *Health Effects of Exposure to Environmental Tobacco Smoke: The Report of the California Environmental Protection Agency*. Smoking and Tobacco Control Monograph No. 10. Bethesda, MD. U.S. Department of Health and Human Services, National Institutes of Health, National Cancer Institute, NIH Pub. No. 99-4645 (1999).

¹⁰ Pirkle, et al., *JOURNAL OF AMERICAN MEDICINE*, 275: 1233-40 (1996).

¹¹ Cal. Env'tl. Prot. Agency, Office of Env'tl Health Hazard Assessment, *Health Effects of Exposure to Environmental Tobacco Smoke, Final Report ES-5* (1997).

¹² U.S. Dep't of Health and Human Servs., Centers for Disease Control and Prevention, *Targeting Tobacco Use: The Nation's Leading Cause of Death 2002*, 2 (2002), available at <http://www.cdc.gov/tobacco/overview/oshag.pdf> (last accessed August 15, 2003).

¹³ U.S. Dep't of Health and Human Servs., Centers for Disease Control and Prevention, *Clean Indoor Air Regulations Fact Sheet* (2001), available at http://www.cdc.gov/tobacco/sgr/sgr_2000/factsheets/factsheet_clean.htm (last accessed Apr. 23, 2003).

WHEREAS, the total cost of smoking in California was estimated to be \$475 per resident or \$3,331 per smoker per year, for a total of nearly \$15.8 billion in smoking related costs in 1999 alone;¹⁴ and

WHEREAS, smoking-related health care costs in California in 1999 totaled \$8.6 billion, an estimated 43% of which is paid for by public sources;¹⁵ and

WHEREAS, almost 90% of adult smokers started smoking at or before age 18;¹⁶ and

WHEREAS, it is estimated that 5.9% of youth in California smoke¹⁷ and smoking in front of children is likely to increase the likelihood that they will smoke; and

WHEREAS, state law acknowledges the harms of secondhand smoke by prohibiting the sale or furnishing of cigarettes, tobacco products or smoking paraphernalia to minors, as well as the purchase, receipt, or possession of tobacco products by minors;¹⁸ and

WHEREAS, with certain exceptions, state law prohibits smoking inside an enclosed place of employment;¹⁹ and

WHEREAS, state law prohibits public school students from smoking or using tobacco products while on campus, while attending school-sponsored activities, or while under the supervision or control of school district employees;²⁰ and

WHEREAS, state law prohibits smoking in playgrounds and tot lots and within twenty feet of the main entrances and exits of public buildings and expressly authorizes local communities to enact additional restrictions;²¹ and

¹⁴ Max W, Rice DP, Zhang X, Sung H-Y, Miller L., *The Cost of Smoking in California, 1999*; California Department of Health Services (2002).

¹⁵ Max W, Rice DP, Zhang X, Sung H-Y, Miller L., *The Cost of Smoking in California, 1999*; California Department of Health Services, 2002 and Bartlett JS, Miller LS, Rice D, Max WB, *Medical care expenditures attributable to cigarette smoking – United States, 1993*; MORBIDITY AND MORTALITY WEEKLY REPORT (1994) 469-472.

¹⁶ National Household Surveys on Drug Abuse, unpublished data, 1998. *See also*, U.S. Dep't of Health & Human Servs. et al., *Preventing Tobacco Use Among Young People: A Report of the Surgeon General*, 101 (1994).

¹⁷ Tobacco Control Section, Cal. Dep't of Health Servs., *California Tobacco Control Update* (2003), at <http://www.dhs.ca.gov/tobacco/documents/TCSupdate.PDF> (last accessed April 25, 2003).

¹⁸ Cal. Penal Code § 308 (West 2003).

¹⁹ Cal. Lab. Code § 6404.5 (West 2003).

²⁰ Cal. Educ. Code § 48901(a) (West 2003).

²¹ Cal. Health & Safety Code § 104495 (West 2003) and Cal. Gov't Code § 7596 (effective January 1, 2004).

WHEREAS, the California Air Resources Board has determined that second-hand smoke is a toxic air contaminant, finding that exposure to second-hand smoke has serious health effects including low birth-weight babies; Sudden Infant Death Syndrome (SIDS); increased respiratory infections in children; asthma in children and adults; lung, sinus and breast cancer; heart disease; and death; and

WHEREAS, the California Air Resources Board's determination will lead to a rulemaking process that will take many months to complete and will likely mirror the requirements of this ordinance in order to protect public health in California; and

WHEREAS, On June 27th 2006, The United States Surgeon General issued a report concluding that there is no risk free level of exposure to Secondhand Smoke (the "Surgeon General Report")²²;

NOW THEREFORE, it is the intent of the Board of Supervisors in enacting this ordinance, to provide for the public health, safety, and welfare by discouraging the inherently dangerous behavior of tobacco use near non-tobacco users; by protecting children from exposure to smoking and tobacco; by reducing the potential for children to associate smoking and tobacco with a healthy lifestyle; by protecting the public from smoking and tobacco-related litter and pollution; and by affirming and promoting the family-friendly atmosphere of the County's public places.

SECTION 2. CODE AMENDMENT. Chapter 7.70 of the Marin County Code is hereby amended to read as follows:

Chapter 7.70 SMOKING REGULATIONS

Sections

7.70.010 Title

7.70.020 Definitions

7.70.030 County-owned vehicles and Enclosed facilities

7.70.040 Prohibition of Smoking in Enclosed Public places and Places of employment

7.70.050 Prohibition of Smoking in certain unenclosed Public places

7.70.060 Smoking optional areas

7.70.070 Duty of Person, Employer, Business, or Nonprofit Entity

7.70.080 Posting of signs

7.70.090 Regulating the sale of Tobacco Products

7.70.100 Enforcement

7.70.110 Violation – Penalty

7.70.120 Nonretaliation

7.70.130 Public education

7.70.140 Governmental agency cooperation

7.70.150 Other applicable laws

²² United States Dept of HHS, The health consequences of involuntary exposure to tobacco smoke: a report of the surgeon general (2006): p. 11

Section 7.70.010 Title.

This chapter shall be known as the Marin County Smoke-Free Air and Health Protection Ordinance.

Section 7.70.020 Definitions.

The following words and phrases, whenever used in this article, shall have the following meanings to be interpreted in accord with state statute if a contradiction appears:

A. "Bar" means an area which is devoted to the serving of alcoholic beverages for consumption by patrons on the premises and in which the serving of food is only incidental to the consumption of such beverages. Although a restaurant may contain a Bar, the term "Bar" shall not include the restaurant dining area.

B. "Business" means any sole proprietorship, partnership, joint venture, corporation or other Business entity formed for profit-making purposes.

C. "Employee" means any Person who is employed by any Employer in consideration for direct or indirect monetary wages or profit, or any Person who volunteers his or her services for a Nonprofit entity.

D. "Employer" means any Person, partnership, corporation, including a municipal corporation, or Nonprofit entity, which employs the services of one or more individual Persons or utilizes volunteers.

E. "Enclosed" means:

1. any covered or partially covered space having more than 50% of its perimeter area walled in or otherwise closed to the outside such as, for example, a covered porch with more than two walls; or
2. any space open to the sky having more than 75% of its perimeter area walled in or otherwise closed to the outside such as, for example, a courtyard;
3. except that an area open to the sky of three thousand (3000) square feet or more is not enclosed such as, for example, a field in an open-air arena.

F. "Openings" shall include main entrances, exits, operable windows and ventilation intake systems.

G. "Minor" shall mean any individual who is less than eighteen years old.

H. " Nonprofit entity " means any corporation, unincorporated association or other entity created for charitable, religious, philanthropic, educational, character-building, political, social or other similar purposes, the net proceeds from the operations of which are committed to the promotion of the objectives or purposes of

the entity and not to private gain. A public agency is not a "Nonprofit entity" within the meaning of this section.

I. "Person" means any individual, partnership, cooperative association, private corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

J. "Place of employment" means any area under the legal or actual control of an Employer or sole proprietor that an Employee, contractor or member of the public to enter during the normal course of operations, but regardless of hours of operation, including, but not limited to, indoor and outdoor work areas, construction sites, vehicles used in employment or for Business purposes, taxis, Employee lounges and restrooms, conference and banquet rooms, classrooms, bingos and gaming facilities, long term health facilities, warehouses, and private residences used as child/elder care or health care facilities subject to licensing requirements.

K. "Public place" means any area, public or private, open to the general public regardless of any fee or age requirement, including for example: bars, restaurants, clubs, stores, stadiums, parks, playgrounds, taxis and buses, public transportation facilities, bus shelters, hotels and motels, farmer's markets, and theaters.

L. "Retail tobacco store" means a retail store in which the primary merchandise for sale consists of Tobacco Products and accessories, and in which the sale of other products is merely incidental, and which does not provide any entertainment, or any food or beverage for consumption on the premises.

M. "Reasonable Distance" means a distance that ensures that occupants of an area in which smoking is prohibited are not exposed to secondhand smoke created by smokers outside the area. This distance shall be a minimum of twenty (20) feet.

N. "Recreation Area" means any area, public or private, open to the general public for recreational purposes, regardless of any fee requirement, including, for example, parks, public gardens, children's play areas, roller and ice rinks, sporting facilities, stadiums, and playgrounds.

O. "Self-service merchandising" means open display of Tobacco Products or Tobacco Paraphernalia in a manner that is accessible to the general public without the assistance of the retailer or Employee of the retailer. This includes point-of-sale tobacco promotional products (such as tobacco industry tee shirts, caps, key chains, give-aways), to which the public has access without the assistance of an Employee. A vending machine is a form of self service displays.

P. "Service Area" means any area at which one or more Persons are waiting for a transaction, entry or service of any kind, whether or not such service involves the exchange of money, including, for example, ATMs, bank teller windows, telephones, ticket lines, bus stops and cab stands.

Q. "Smoking" means possessing a lighted pipe, lighted cigar, or lighted cigarette or other device of any kind, or the lighting of a pipe, cigar or cigarette, or other device containing tobacco, weed, spices, herbal or other plant life.

R. "Tobacco Paraphernalia" means cigarette papers or wrappers, pipes, holders of Smoking materials of all types, cigarette rolling machines, and any other item designed for the Smoking, preparation, storing, or consumption of Tobacco Products.

S. "Tobacco Product" means: (1) any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, bidis, blunts, clove cigarettes, or any other preparation of tobacco; and (2) any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body.

T. "Tobacco Vending Machine" means a machine, appliance, or other mechanical device operated by currency, token, debit card, credit card, or any other form of payment that is designed or used for vending purposes, including, but not limited to, machines or devices that use remote control locking mechanisms.

U. "Vendor-assisted" means only a store Employee has access to the Tobacco Product and assists the customer by supplying the product. The customer does not take possession of the product until it is purchased.

Section 7.70.030 County-owned vehicles and Enclosed facilities.

All county-owned vehicles, including jitneys and buses and other means of public transit under the authority of the county, and all Enclosed facilities owned or controlled by the county, including jails, the honor farm, county vehicles and Enclosed fairgrounds facilities, and/or any board, council, commission and agency of the county shall be subject to the provisions of this chapter.

Section 7.70.040 Prohibition of Smoking in Enclosed Public places and Places of employment.

A. Except as otherwise provided, Smoking shall be prohibited in all Enclosed Public places within the county of Marin, such as:

Places of Employment;

Buses, taxicabs, and other means of public transit under the authority of the county and ticket, boarding, and waiting areas of public transit depots;

Public places;

Service Areas;

Any facility which is primarily used for exhibiting motion pictures, stage productions, lectures, musical recitals or other similar performances, except for Smoking which is part of such production;

Sports arenas and convention halls;

A minimum of eighty percent of guest rooms in every hotel and motel, and bed-and-breakfast facilities must be permanently designated as completely nonsmoking;

Lobbies, hallways, and other common areas in multiple-unit commercial facilities, senior citizen residences and nursing homes.

Section 7.70.050 Prohibition of Smoking in certain unenclosed Public places.

A. Except as otherwise expressly authorized by state or federal law, Smoking shall be prohibited in the following unenclosed Public places and Places of employment:

Any place where food and/or drink is offered for sale, including outdoor dining areas of restaurants and farmers markets, except unenclosed areas of a stand-alone Bar. If Smoking is permitted in the unenclosed area of a stand-alone Bar, the entire Smoking section must be limited to one designated area clearly marked with signs, and must be located at least twenty (20) feet from any doorway or Opening into an Enclosed area. Smoking in an unenclosed area of a Bar may only take place if the smoke does not enter adjacent, Businesses, residences and areas in which Smoking is prohibited

B. Smoking shall be prohibited within:

1. A Reasonable Distance from any entrance, Opening or exit of any Enclosed area within which Smoking is prohibited, except while passing on the way to another destination.
2. A Reasonable Distance of service lines.
3. Courtyards and other areas where air circulation may be impeded by architectural, landscaping or other barriers;
4. 20 feet of working road or building and construction crews;

5. Recreation Areas;
6. Service Areas; and
7. Public events including but not limited to, sports events, entertainment, speaking performances, ceremonies, pageants, fairs and farmer's markets.

C. No Person shall dispose of Smoking waste or Tobacco Product waste within the boundaries of an area in which Smoking is prohibited, including inside the perimeter of any Reasonable Distance requirement.

Section 7.70.060 Smoking optional areas.

A. Except as otherwise prohibited by state or federal law, the following areas shall not be subject to the Smoking restrictions of this article:

1. Private residences, except when used as a child care or health care facility;
2. Retail tobacco stores, except where smoke from such stores enters an adjacent Enclosed area where Smoking is not permitted.

B. Nothing in this chapter shall be construed to prevent any owner, operator, manager or other Person who controls any establishment or facility from declaring and enforcing a nonsmoking policy in the entire establishment or facility or from posting signs as described by Section 7.70.080.

Section 7.70.070 Duty of Person, Employer, Business, or Nonprofit Entity.

A. No Person, Employer, Business, or Nonprofit Entity shall knowingly permit the Smoking of Tobacco Products in an area which is under the legal or actual control of the Person, Employer, Business, or Nonprofit Entity and in which Smoking is prohibited by law and the Person, Employer, Business or Nonprofit Entity is not otherwise compelled to act under state or federal law.

B. No Person, Employer, Business, or Nonprofit Entity shall knowingly or intentionally permit the presence or placement of ash receptacles, such as, for example, ashtrays or ash cans, within an area which is under the legal or actual of the Person, Employer, Business, or Nonprofit Entity and in which Smoking is prohibited.

Section 7.70.080 Posting of signs.

A. "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly, sufficiently and conspicuously posted in every building, as well as on entrances, or other places where Smoking is regulated by this chapter, by the Person, Employer, Business or non-profit entity with legal or actual control of such building or other place.

B. Every Retail tobacco store and every vendor of Tobacco Products shall visibly post Penal Code Section 308 signage at the entrance of any premises subject to regulation under Sections 7.70.050, 7.70.060, 7.70.080 and 7.70.090 of this chapter, and applicable state or federal law.

C. Template signs may be available from the various county departments responsible for inspections, the Tobacco-Related Disease Control Program of the Health and Human Services Department, or the Marin County website.

Section 7.70.090 Regulating the sale of Tobacco Products.

A. Any Person, Business, tobacco retailer or other establishment subject to this chapter shall post plainly visible signs at the point of purchase of Tobacco Products which comply with the signage requirements of California Business and Professions Code Section 22952, as amended from time to time.

B. Any Person, Business, tobacco retailer or other establishment subject to this chapter shall post signs at each entrance to any premises on which any Tobacco Product is offered for sale, plainly visible from outside the premises, which state "Warning: The fine for buying tobacco for anyone under 18 is \$200" in letters at least ½" tall, and which cite California Penal Code 308(a). These signs shall be updated to conform to any subsequent state or federal requirements and/or amendments to Penal Code Section 308(a).

C. No Person, Business, tobacco retailer, or owner, manager or operator of any establishment subject to this chapter shall sell, offer to sell or permit to be sold any Tobacco Product to an individual without requesting and examining identification establishing the purchaser's age as eighteen years or greater unless the seller has some other clear and convincing basis for knowing the buyer's age.

D. It shall be unlawful for any Person, Business, or tobacco retailer to sell, permit to be sold, or offer for sale any Tobacco Product by means of Self-service merchandising, or by any means other than Vendor-assisted sales.

E. No Person, Business, or tobacco retailer shall locate, install, keep, maintain or use, or permit the location, installation, keeping, maintenance or use on his, her or its premises any vending machine for the purpose of selling or distributing any Tobacco Product. Any Tobacco Vending Machine in use on the effective date of the

ordinance codified in this chapter shall be removed within thirty days after the effective date of the ordinance codified in this chapter.

Section 7.70.100 Enforcement.

A. Notice of this chapter will be provided to all applicants for a Business license or renewal thereof. However, lack of such notice shall be no defense to a violation of this chapter.

B. Enforcement of this chapter shall be the responsibility of the Director of the Department of Health and Human Services, or designee of the Director of Health and Human Services, who shall have the powers enumerated in this chapter as well as the powers to seek nuisance abatement in accordance with section 1.04.180 of the Marin County Code and to issue citations for violation of the chapter in accordance with Section 853.6 of the California Penal Code and Sections 1.04. 210, 1.04.220, 1.04.230, 1.04.240, 1.04.250 and 1.04.260 of the Marin County Code.

C. The staff of the Marin County Fire Department, Health and Human Services Department, Environmental Health Department, Parks Department, or any other county department with jurisdiction over the subject matter of this ordinance, shall, in connection with their regular inspections of Businesses and restaurants located in the unincorporated areas of the county, require that the owner, manager, operator or other Person who controls such establishments certify compliance with applicable requirements of this chapter.

D. Any citizen may make a complaint under this chapter to the county department with jurisdiction of the area in which the violation is alleged to have occurred; or, with the Department of Health and Human Services Tobacco-Related Disease Control Program.

Section 7.70.110 Violation -- Penalty.

A. The remedies provided by this chapter are cumulative and in addition to any other remedy available at law or in equity.

B. Causing, permitting, aiding, abetting, or concealing a violation of any provision of this ordinance shall also constitute a violation.

C. It shall be unlawful for any Person who owns, manages, operates or otherwise controls the use of any premises subject to regulation under this chapter to refuse to comply with any of its provisions, or to permit any Employee or patron to violate this chapter.

D. It shall be unlawful for any Person to smoke in any area where Smoking is prohibited under this chapter.

E. Any Person, Employer, Business or Non-profit Entity, tobacco retailer, or owner, manager or operator of any establishment subject to this chapter who violates any provision of this chapter shall be deemed guilty of an infraction, punishable by:

1. A fine not exceeding one hundred dollars and/or five days of community service, for the first violation;
2. A fine, not exceeding two hundred dollars and/or ten days of community service, for a second violation of this chapter within one year;
3. A fine not exceeding five hundred dollars and/or fifteen days of community service, for a third violation of this chapter within one year.

F. In addition, Any Person, Business, tobacco retailer, or owner, manager or operator of any establishment subject to this chapter who violates any provision of this chapter may be responsible for reimbursement to County of any additional costs incurred for administration, re-inspection, citation, or other action necessitated by the violation as authorized in the applicable sections of the Marin County Code.

Section 7.70.120 Nonretaliation.

No Person or Employer shall discharge or in any manner retaliate against any Employee because such Employee exercises any right to a smoke free environment afforded by this chapter.

Section 7.70.130 Public education.

The Tobacco Related Disease Control Program of the Department of Health and Human Services will engage in a continuing educational program to explain and clarify the purposes and requirements of this chapter, as well as a guide to owners, operators and managers with compliance. However, lack of such education shall be no defense to a violation of this chapter.

Section 7.70.140 Governmental agency cooperation.

The Department of Health and Human Services may annually request other governmental and educational agencies having facilities within the county to establish local operating procedures in cooperation and compliance with this chapter. This includes urging all federal, state, county and school district agencies to update their existing Smoking control regulations to be consistent with current health findings regarding environmental tobacco smoke.

Section 7.70.150 Other applicable laws.

This chapter shall not be interpreted or construed to permit Smoking where it is otherwise restricted by other applicable laws.

SECTION III: EFFECTIVE DATE AND PUBLICATION

This Ordinance shall be and is hereby declared to be in full force and effect as of ninety (90) days from and after the date of its passage and shall be published once before the expiration of fifteen (15) days after its passage, with the names of the Supervisors voting for and against the same, in the Marin Independent Journal, a newspaper of general circulation published in the County of Marin.

SECTION IV: VOTE

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held on this _14__th day of _November 2006 by the following vote:

AYES: ALL SUPERVISORS

NOES:

ABSENT:

PRESIDENT, Board of Supervisors

ATTEST:

CLERK