



Policy Brief: California Policies Regulating Smokefree Outdoor Air

October 2024

Introduction

California jurisdictions have been enacting local smokefree air policies addressing outdoor public places and workplaces for several decades. Cities and counties have adopted protections from secondhand smoke exposure in outdoor areas of restaurants, bars, and other worksites, as well as numerous types of outdoor gathering spaces including recreational areas, public events, and transit stops.

This policy brief looks at trends in the 405 California jurisdictions that have adopted local policies as of October 2024, including at least one of the 7 outdoor public places addressed in the [PETS Matrix of Smokefree Outdoor Air Policies in California](#).

Need for Smokefree Outdoor Air Laws

California's statewide smokefree air law, [Labor Code 6404.5](#), prohibits smoking (defined to include the use of electronic smoking devices since 2016) in most enclosed workplaces and public places in the state, as well as [limited outdoor areas](#) including within 25 feet of playgrounds and tot lots, farmers' markets, youth sports events, and within 25 feet of entrances/exits/windows of public buildings. Cities and counties have taken advantage of their authority to adopt stronger local laws to extend smokefree protections in a variety of outdoor workplaces and public places.

Smoking and vaping in outdoor areas is not just a nuisance; exposure to secondhand smoke in outdoor spaces is also a health hazard. Outdoor places where people gather can expose the public to significant levels of secondhand smoke, and nonsmokers deserve protection from breathing toxic smoke.^{1,2,3,4} The U.S. Surgeon General concluded that there is no safe level of exposure to secondhand smoke,⁵ and even small amounts of tobacco smoke over short periods of time can be harmful.⁶ Secondhand smoke from both tobacco and cannabis contains fine particulate matter, which can be breathed deeply into the lungs and can cause lung irritation, asthma attacks, and makes respiratory infections more likely.^{7,8}

Jurisdictions throughout California have adopted smokefree air policies for outdoor spaces, including recreation areas, open spaces, and other municipal property, for a variety of health, safety, and environmental reasons. The rationale for these outdoor policies includes reducing exposure to secondhand tobacco and cannabis smoke, creating healthier spaces for recreation and physical activity, decreasing costly and environmentally harmful [tobacco product waste](#),⁹ reducing fire risk from improperly discarded products,¹⁰ and creating more supportive social environments for youth by setting the example that smoking and vaping is not the norm.

The broader set of reasons that can motivate jurisdictions to implement smokefree outdoor policies provides an opportunity for tobacco prevention coalitions to engage a broader and more diverse set of community partners than may typically participate in and support smokefree air policy adoption. In particular, the desire to reduce the

risk of wildfires, especially given the high fire risk in California parks and open spaces posed by improperly discarded cigarette butts, can motivate policies and engage partners including fire departments and environmental organizations. Likewise, California communities and tobacco prevention partners, joined by environmental partners, are increasingly focused on tobacco product waste policy solutions, in order to reduce the environmental harms and cost burdens of improperly disposed of cigarette filters, vape cartridges, and other toxic tobacco product waste.¹¹ Policies that reduce areas where people are permitted to smoke, vape, or otherwise use tobacco products in outdoor environments may also support the objectives of tobacco product waste strategies.

Current Status of Local Laws

As of October 2024, 405 California jurisdictions in 53 counties, representing 56 Local Lead Agencies, have adopted local laws that regulate smoking in at least 1 of the 7 outdoor public places addressed in the [PETS Matrix of Smokefree Outdoor Air Policies in California](#). Smokefree outdoor air policies have been enacted by **75%** of California jurisdictions (405 of the 540 total cities and counties), and **34,828,522** Californians, or **88.5%** of the state population, live in these jurisdictions.

These jurisdictions have enacted smokefree policies for outdoor venues in the following ways:

- **Outdoor areas of restaurants: 185** jurisdictions require some or all outdoor dining areas of restaurants to be smokefree. This includes:
 - **157** jurisdictions prohibit smoking in **all outdoor dining areas**.
 - **28** jurisdictions prohibit smoking in **some areas/sections** of outdoor dining areas.
- **Outdoor areas of bars: 138** jurisdictions require some or all outdoor bar patios to be smokefree. This includes:
 - **117** jurisdictions prohibit smoking in **all outdoor bar areas**.
 - **21** jurisdictions prohibit smoking in **some areas/sections** of outdoor bar areas.
- **117** jurisdictions require all areas of **both** outdoor dining areas of restaurants **and** outdoor bar patios to be 100% smokefree.
- **Outdoor public events and venues: 195** jurisdictions regulate smoking in outdoor public events and venues (e.g. farmers' markets, fairs, concerts, flea markets, sports arenas, swap meets, shopping centers, special/specified events, etc.). This includes:
 - **30** jurisdictions prohibit smoking in **all** outdoor public events and venues.
 - **121** jurisdictions prohibit smoking in **some or specified types** of outdoor public events and venues or at **city/county** events and venues.
 - **44** municipalities prohibit smoking in **sections** of outdoor public events and venues.
- **Outdoor recreational areas: 389** jurisdictions, which are home to 84% of California residents, regulate smoking in outdoor recreational areas (e.g. parks, playgrounds, trails, bike/pedestrian paths, sports fields, beaches). This includes:
 - **79** jurisdictions prohibit smoking in **all** outdoor recreational areas.
 - **248** jurisdictions prohibit smoking in **some** outdoor recreational areas or **all city/county** municipal recreational areas.
 - **62** jurisdictions prohibit smoking in **sections** of outdoor recreational areas.

- **Outdoor transit stops: 150** jurisdictions regulate smoking in outdoor transit stops/shelters. This includes:
 - **131** jurisdictions prohibit smoking in **all** outdoor transit stops/shelters.
 - **19** jurisdictions prohibit smoking in **some** outdoor transit stops/shelters (e.g. specified systems only, or shelters only but not stops).
- **Outdoor public easements/rights of way: 188** jurisdictions regulate smoking in outdoor public easements/rights of way (such as sidewalks, plazas, downtown/business districts, service lines, etc.). This includes:
 - **26** jurisdictions prohibit smoking in **all** public easements/rights of way areas.
 - **143** jurisdictions prohibit smoking in **some** public easements/rights of way or **all city/county** public easements/rights of way.
 - **19** municipalities prohibit smoking in **sections** of public easements/rights of way.
- **Outdoor places of employment: 73** jurisdictions regulate smoking in outdoor places of employment (e.g. construction areas, farm fields, etc.). This includes:
 - **53** jurisdictions prohibit smoking in **all** public and private outdoor worksites with 2 or more workers.
 - **5** jurisdictions prohibit smoking in **all private** worksites.
 - **15** prohibit smoking in **some** outdoor worksites.

Strongest Policies

Of the 405 jurisdictions with some type of smokefree outdoor air policy, 200 jurisdictions (49% of the total) have enacted policies that meet the strongest criteria for at least 1 of the 7 categories, such as requiring **all** outdoor public events and venues to be smokefree without exception or requiring **all** outdoor dining areas to be 100% smokefree.

Notably, **5** jurisdictions have the strongest, most comprehensive policies that require **all 7 types** of outdoor venues covered by the matrix to be 100% smokefree without exception: Dana Point, Encinitas, Hermosa Beach, Laguna Beach, and Manhattan Beach.

Another **13** jurisdictions have very strong policies that require **6 of the 7 types** of outdoor venues covered by the matrix to be 100% smokefree without exception: Buena Park, Carpinteria, Citrus Heights, Cloverdale, Daly City, Laguna Woods, Loma Linda, Martinez, Novato, Riverside, San Bruno, Sonoma, and Vallejo. An additional **18** jurisdictions require **5 of the 7 types** to be 100% smokefree **and** require the **other 2 types** of venues to be smokefree to some extent: Bell, Belvedere, Benicia, Calabasas, Corte Madera, El Cerrito, Hanford, Huntington Park, La Mesa, Larkspur, Mammoth Lakes, Marin County, Mill Valley, Morro Bay, San Anselmo, San Ramon, Sausalito, and Union City.

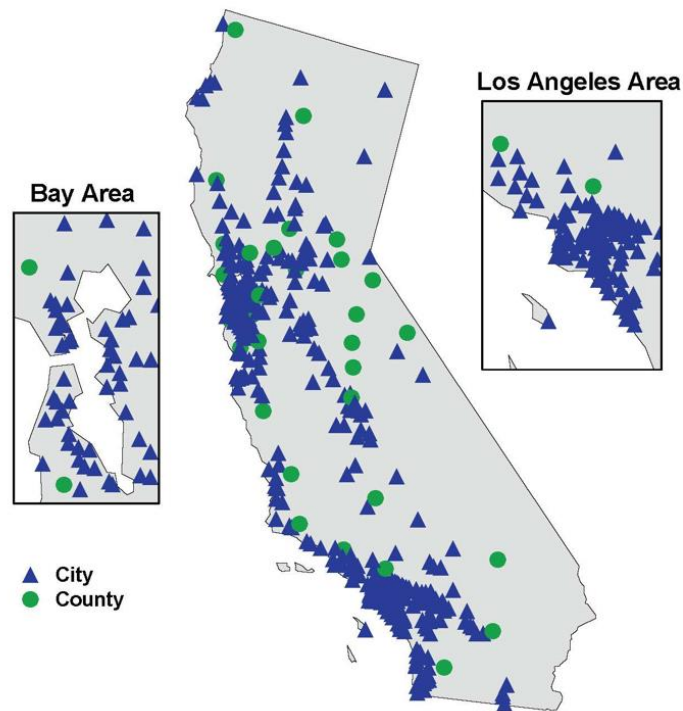
Geographic Characteristics of Local Laws

The 405 jurisdictions with smokefree outdoor air policies are located in **53 counties** and represent **56 Local Lead Agencies** (LLAs). Notably, the 18 counties in bold achieved the distinction of having smokefree outdoor air policies enacted by all of their jurisdictions. The counties, with the number of jurisdictions per LLA in parentheses, are: **Alameda (14), Alpine (1)**, Amador (2), Butte (4), Colusa (2), Contra Costa (18), **Del Norte (2), El Dorado (3)**, Fresno (11), Glenn (2), Humboldt (5), Imperial (4), Inyo (1), Kern (5), Kings (2), Lake (2), Lassen (1), Los Angeles (70), **Madera (3), Marin (12), Mariposa (1)**, Mendocino (4), Merced (2), Modoc (1), **Mono (2)**, Monterey (10), **Napa (6)**,

Nevada (2), Orange (28), Placer (5), Riverside (22), Sacramento (7), San Benito (1), San Bernardino (16), **San Diego (19)**, **San Francisco (1)**, San Joaquin (2), **San Luis Obispo (8)**, San Mateo (18), **Santa Barbara (9)**, Santa Clara (15), **Santa Cruz (5)**, **Shasta (4)**, Siskiyou (1), Solano (5), **Sonoma (10)**, Stanislaus (8), **Sutter (3)**, Tehama (2), Tulare (5), Tuolumne (1), Ventura (10), and **Yolo (5)**.

The 18 counties in bold that have smokefree outdoor air policies enacted by all of their jurisdictions include 11 smaller counties with 5 or fewer jurisdictions, as well as 4 larger counties with 10 or more jurisdictions. Additionally, San Francisco enacted smokefree outdoor air policies as a combined city and county jurisdiction, and the 3 jurisdictions that have their own LLAs also adopted outdoor air laws: Berkeley, Long Beach, and Pasadena. Only 5 counties have had no jurisdictions enact smokefree outdoor air policies, all of which have 3 or fewer jurisdictions in the county.

California Jurisdictions with Policies Regulating Outdoor Secondhand Smoke



These 405 jurisdictions in 53 counties can also be looked at across 11 CTPP Geographic Regions:

Bay Area (84): Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara, Solano

Central Coast (16): Monterey, San Benito, Santa Cruz

Central Valley (29): Fresno, Kern, Kings, Madera, Mariposa, Merced, Tulare

Gold Country (42): Alpine, Amador, El Dorado, Inyo, Mono, Nevada, Placer, San Joaquin, Sacramento, Stanislaus, Sutter, Tuolumne, Yolo

High Country (3): Lassen, Modoc, Siskiyou

Los Angeles (72): Los Angeles

North Coast (29): Del Norte, Humboldt, Lake, Mendocino, Napa, Sonoma

North Valley (14): Butte, Colusa, Glenn, Shasta, Tehama

South Coast (47): Orange, San Diego

Tri-County (27): San Luis Obispo, Santa Barbara, Ventura

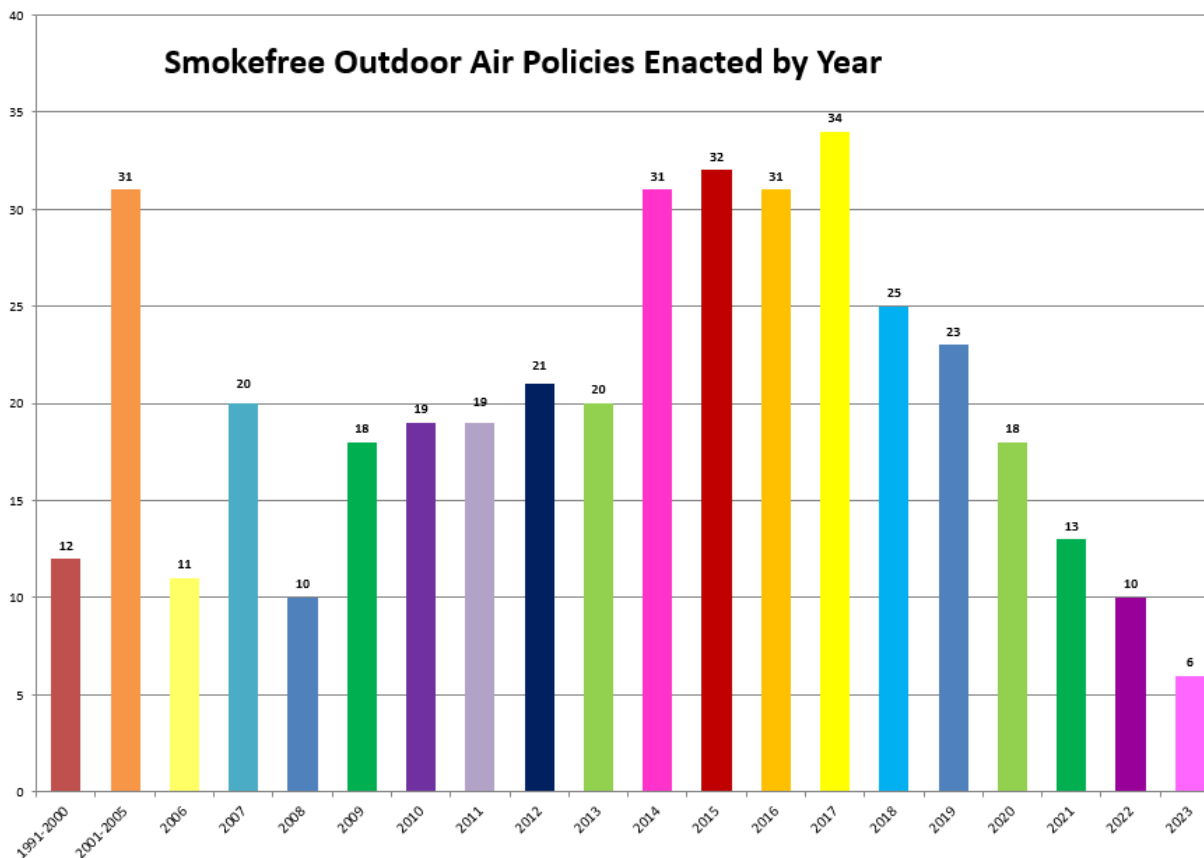
Tri-County South (42): Imperial, Riverside, San Bernardino

Timing of Local Laws

The policies in the 405 jurisdictions that have adopted at least one of the 7 policy provisions addressed in this brief were enacted over 32 years, between 1991-2023, with the notable exception of Fresno County, which enacted a policy in 1955 that prohibits smoking on certain public lands during summer months and thus qualifies as partial for smokefree recreational areas.

This brief looks at the date of the most recently enacted policy that qualifies for the smokefree outdoor air matrix, while acknowledging that many of these jurisdictions enacted additional outdoor air policies prior to 1991. A limitation of this review is that, while many jurisdictions have enacted multiple policies regulating smoking in outdoor spaces over the years, PETS is not a time-series database, which limits the feasibility of including the date of every outdoor air policy enacted in each jurisdiction.

The number of jurisdictions adopting smokefree outdoor air policies roughly increased year over year from the early 2000s through 2017, with a peak of 34 jurisdictions enacting policies that year. Since 2017, there has been a sharp decline each year in the number of jurisdictions that have adopted smokefree outdoor air policies, with about 20% fewer jurisdictions enacting policies each year. The decrease in jurisdictions enacting smokefree outdoor air policies may be associated with a shift in the prioritization and interest in types of tobacco prevention policies, as indicated by the significant increase in the number of tobacco retail sales and flavored tobacco policies that were enacted by jurisdictions since 2015.^{12,13}



Future

California jurisdictions are expected to continue expanding smokefree protections to outdoor spaces, in particular where people work and gather and can be exposed to secondhand smoke, although it remains to be seen if the number of smokefree outdoor air policies will continue to decrease as jurisdictions and tobacco prevention partners prioritize policies regulating the tobacco retail environment.

Outdoor smokefree air policies present an opportunity for collaboration with community-based organizations and partners who may not traditionally be involved in tobacco prevention but have interests in addressing tobacco use and exposure in outdoor spaces, especially around environmental concerns such as fire risk and tobacco product waste, which could in turn provide the impetus for a renewed interest in smokefree outdoor air policies as awareness and interest grows on policy benefits beyond the primary focus on secondhand smoke exposure.

Another area of overlap that may both increase interest in, as well as challenges to, adopting outdoor smokefree air policies, is the intersection of such policies with cannabis. California state law prohibits cannabis smoking and vaping wherever tobacco smoking or vaping is prohibited, and state law also does not permit cannabis use in public places.¹⁴ For the purposes of cannabis use, public places can be interpreted to include sidewalks, parks, and other outdoor venues accessible to the public. Jurisdictions face the challenge of protecting people from secondhand smoke exposure in outdoor spaces while also promoting outdoor use in spaces that minimize secondhand smoke exposure an alternative to indoor use and exposure.

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² Repace J. Benefits of Smokefree Regulations in Outdoor Settings: Beaches, Golf Courses, Parks, Patios, and in Motor Vehicles. *William Mitchell Law Rev.* 2008;34(4):1621–1638. Available at: <https://open.mitchellhamline.edu/wmlr/vol34/iss4/15/>

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- ⁴ Kim, S.; Lee, K., "PM2.5 concentrations of outdoor tobacco smoke at different distances from the smoking source: Is there an optimal distance for a designated smoking area?" Nicotine and Tobacco Research, December 4, 2023. <https://academic.oup.com/ntr/article-abstract/26/6/692/7458333>
- ⁵ U.S. Department of Health and Human Services. "The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General," Centers for Disease Control and Prevention, Office on Smoking and Health, 2006. <https://pubmed.ncbi.nlm.nih.gov/20669524/>
- ⁶ U.S. Department of Health and Human Services. "How Tobacco Smoke Causes Disease: The Biology and Behavioral Basis for Smoking-Attributable Disease: A Report of the Surgeon General." Centers for Disease Control and Prevention, Office on Smoking and Health, 2010. <https://www.ncbi.nlm.nih.gov/books/NBK53017/>
- ⁷ Hillier, FC.; et al. "Concentration and particle size distribution in smoke from marijuana cigarettes with different Δ -9-tetrahydrocannabinol content." Fundamental and Applied Toxicology. Volume 4, Issue 3, Part 1, June 1984, Pages 451-454. <http://www.sciencedirect.com/science/article/pii/0272059084902021>
- ⁸ "Air and Health: Particulate Matter." National Environmental Public Health Tracking Network, U. S. Environmental Protection Agency. <http://ephrtracking.cdc.gov/showAirHealth.action#ParticulateMatter>
- ⁹ Public Health Law Center, "Tobacco Product Waste: A Public Health and Environmental Toolkit," Law and Policy Partnership to End the Commercial Tobacco Epidemic (2022). <https://www.publichealthlawcenter.org/sites/default/files/resources/Tobacco-Product-Waste-Toolkit.pdf>
- ¹⁰ Patrick McGreevy, California Wildfires Fuel a New Push to Ban Smoking at State Parks and Beaches, L.A. Times (Aug. 30, 2018), <https://www.latimes.com/politics/la-pol-ca-smoking-ban-beaches-20180830-story.html>
- ¹¹ Novotny TE, Slaughter E. "Tobacco Product Waste: An Environmental Approach to Reduce Tobacco Consumption." Current Environmental Health Reports. 2014;1(3):208-216. doi: 10.1007/s40572-014-0016-x. <https://pmc.ncbi.nlm.nih.gov/articles/PMC4129234/>
- ¹² American Nonsmokers' Rights Foundation. "Policy Brief: Regulating Tobacco Retail Sales in California." Policy Evaluation Tracking System. December 2023. https://pets.tcspartners.org/files/Policy%20Brief_Sales_December%202023.pdf
- ¹³ American Nonsmokers' Rights Foundation. Policy Brief: Regulating the Sale of Flavored Tobacco Products in California. Policy Evaluation Tracking System. February 2023. https://pets.tcspartners.org/files/Policy%20Brief_Flavors_February%202023.pdf
- ¹⁴ Public Health Law Center, "Tracking Tobacco Laws: A California Digest" Law and Policy Partnership to End the Commercial Tobacco Epidemic, August 2023. <https://www.publichealthlawcenter.org/sites/default/files/resources/CA-Tracking-Tobacco-Laws-Digest.pdf>