

MANAGEMENT MEMO

SUBJECT: SMOKING PROHIBITIONS IN OR NEAR DGS-CONTROLLED SPACE AND VEHICLES	NUMBER: MM 04-07
PREFERENCES: Government Code Sections 7596-7598 Health and Safety Code Section 104495 Supersedes Management Memo 00-08	DATE ISSUED: July 1, 2004 EXPIRES: UNTIL RESCINDED ISSUING AGENCY: DEPARTMENT OF GENERAL SERVICES (DGS)

Purpose

The purpose of the Management Memo is for state agencies to comply with the requirements of Sections 7596 through 7598 of the Government Code and Section 104495 of the Health and Safety Code. This Management Memo supersedes Management Memo No. 00-08.

Policy

1. This Management Memo applies to all Department of General Services (DGS)-owned and DGS-leased spaces and all DGS-controlled passenger vehicles.
2. No public employee or member of the public shall smoke any tobacco product:
 - A. in a public building, including all indoor areas, except for covered parking lots, residential spaces, and state prison yard areas,
 - B. within 20 feet horizontally or vertically of a main exit, exterior entrance, operable window, or air intake opening of a public building,
 - C. within 25 feet horizontally or vertically of any playground or tot lot sandbox area used by children, or
 - D. in a passenger vehicle other than a motor truck, truck tractor, or a bus.

No signage is required to effectuate any of these prohibitions.
3. No person shall dispose any cigarette, cigar or other tobacco-related waste within 25 feet of a playground or tot lot sandbox area used by children.
4. Except as otherwise prohibited by law or by this Management Memo, a public employee or member of the public may smoke in any outdoor area of a public building unless a sign is posted otherwise.
5. Ashtrays and other anti-litter appliances may be provided in outdoor areas at the discretion of the Building Manager.

STATE ADMINISTRATIVE MANUAL

Non-Compliance

Except as otherwise provided by law, non-compliance should be dealt with at the lowest level possible. If unresolved, non-compliance should be reported in writing to the appropriate tenant agency or to the applicable DGS official, such as the Building Manager or the Lease Management Unit.

A violation of Section 104495 of the Health and Safety Code is punishable by a fine of \$250 for each playground or tot lot sandbox area violation and by any other provision of law proscribing the act of littering.

Information

Individuals desiring information on smoking cessation assistance should call the toll-free telephone number to the "California Smoker's Help Line" at (800) 766-2888.

DGS Contact

Please direct all questions concerning this Management Memo to Fred Luzzi, Chief, Building and Property Management Branch, Real Estate Services Division, Department of General Services, at (916) 375-4960, or via email at fred.luzzi@dgs.ca.gov, or Richard R. Bayquen, Chief Deputy Director, Department of Health Services, at (916) 440-7400.

Original Management Memo is signed by Ron Joseph, Director

Signature

Ron Joseph
Director