



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Resolution in Opposition to Proposition 188 (State Smoking Regulations)

MEETING DATE: September 7, 1994

PREPARED BY: City Attorney

RECOMMENDED ACTION: Council consideration and possible adoption of attached Resolution in opposition to Proposition 188 (State Smoking Regulations)

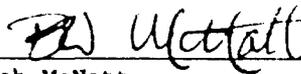
BACKGROUND INFORMATION: In 1990, the City of Lodi adopted what was then one of the most stringent smoking control ordinances in the State. The matter was later placed on the ballot in November 1990 by way of a voters' referendum. The ordinance withstood challenge by nearly a 2 to 1 margin. Since that time, Lodi's ordinance has been used as a model by numerous cities all over the country.

Proposition 188, which will appear on the November 1994 statewide ballot, is sponsored by Philip Morris Tobacco Corporation. In essence, this proposition would repeal all local smoking control ordinances and replace them with a statewide law which could be less restrictive. This approach has been characterized by some as an attempt by tobacco companies to take control away from local governments and give it to the State where they have more political influence.

The attached resolution has been recommended by the Coalition for a Healthy California. Council consideration and possible action is requested.

FUNDING: Not applicable.

Respectfully submitted,

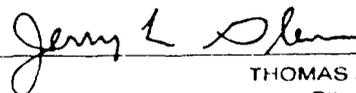


Bob McNatt
City Attorney

BM:pn

CCPROP.188/TXTA.01V

APPROVED.



THOMAS A. PETERSON
City Manager



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RESOLUTION NO. 94-101

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A RESOLUTION OF THE LODI CITY COUNCIL
IN OPPOSITION TO PROPOSITION 188
(STATE SMOKING REGULATIONS)

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WHEREAS, tobacco use is responsible for the death of over 400,000 people every year and is the number one cause of death in the United States; and

WHEREAS, Environmental Tobacco Smoke (ETS), or second hand smoke, has been categorized as a cancer causing substance by the Environmental Protection Agency; and exposure to ETS kills an estimated 40,000 persons every year; and

WHEREAS, the State of California as well as many counties and municipalities conduct aggressive public education campaigns to discourage tobacco use, particularly among children; and

WHEREAS, the City of Lodi passed a smoking control ordinance in 1990 which bans smoking in most public places in order to protect people against exposure to ETS; and

WHEREAS, Proposition 188, mistitled the "California Uniform Tobacco Control Act" would repeal the local smoking control ordinance passed in Lodi and replace it with a statewide law which could permit smoking in every restaurant and workplace in the State; and

WHEREAS, over 60% of the population of California lives in cities and counties which have tougher tobacco controls than contained in Proposition 188, and would suffer reduced protection from ETS if Proposition 188 passes; and

WHEREAS, Proposition 188 is being sponsored by Philip Morris, the largest cigarette manufacturing company in the world, and they do not deny it; and

WHEREAS, Proposition 188 prohibits local government from ever passing any tobacco control legislation in the future, and prohibits community organizations from monitoring the illegal sale of cigarettes to minors through tobacco purchase surveys or "sting" operations utilizing minors attempting to purchase tobacco; and

WHEREAS, the ventilation standards proposed in Proposition 188 for application to indoor smoking will remove odor of smoke from the air, but not the cancer causing substances which pose a threat to public health; and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Lodi opposes Proposition 188; and

BE IT FURTHER RESOLVED that the City of Lodi will take immediate steps to inform the residents of the negative impact of Proposition 188 on the community.

Dated: September 7, 1994

I hereby certify that Resolution No. 94-101 was passed and adopted by the Lodi City Council in a regular meeting held September 7, 1994 by the following vote:

Ayes: Council Members - Pennino, Snider and Sieglock (Mayor)

Noes: Council Members - Davenport and Mann

Absent: Council Members - None


Jennifer M. Perrin
City Clerk