

2-17-1976

## Indoor Smoking

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Office of the Secretary of State  
March Fong Eu

111 Capitol Mall, Room 220  
Sacramento, California 95814

Elections Division  
(916) 445-0820

May 26, 1976

Mr. Herm Perlmutter, Co-Chairman  
Californians for Clean Indoor Air  
1260 North Las Palmas Avenue, Box H  
Los Angeles, California 90038

REGARDING: Indoor Smoking Initiative

Dear Mr. Perlmutter:

Your May 14th letter to the Secretary of State  
has been referred to me for reply.

Waiver of a statutory deadline is not within the  
Secretary of State's discretion. Accordingly, your  
request for relaxation of this deadline must be denied.

Even if a waiver were possible, your qualification  
for the general election ballot would not be assured.  
June 24th is the statutory deadline for the qualification  
of initiative measures for the general election ballot.  
Submission of such measures to the county clerk necessarily  
precedes this deadline, in order to permit time for  
qualification. This fact was pointed out in the Secretary  
of State calendar prepared for this measure. It was  
re-emphasized in the memo which this office sent to you  
on February 27th, a copy of which is attached.

I have referred to the Office of the Attorney  
General your concerns about the preparation of the title  
and summary.

Very truly yours,

WILLIAM N. DURLEY  
Assistant to the Secretary of State  
Elections and Political Reform

*Susan Orton Baisden*  
SUSAN ORTON BAISDEN  
Elections Counsel

SOB:gb

Enclosure

cc: Mr. Iver E. Skjeie  
Assistant Attorney General



Office of the Secretary of State  
March Fong Eu

111 Capitol Mall  
Sacramento, California 95814

Executive Office	(916) 445-6371
Certification	(916) 445-1430
Corporation Index	(916) 445-2900
Corporation Records	(916) 445-1763
Election Division	(916) 445-0820
Legal Division (Corp.)	(916) 445-0620
Notary Public Division	(916) 445-6507
State Archives	(916) 445-4293
Uniform Commercial Code	(916) 445-8061

February 27, 1976

TO ALL PROPONENTS OF OUTSTANDING INITIATIVES:

Referring to our previous calendar for your initiative measure, may we remind you again that your measure will not qualify for the November 2, 1976 General Election if those dates are followed. Moreover, April 20, 1976 is recommended as your target date for filing petitions with the county clerk, in order to insure sufficient time for verifying signatures.

If you have any further questions please call (916) 445-0820.

Sincerely,

WILLIAM N. DURLEY  
Assistant to the Secretary of State  
Elections and Political Reform

Cashmere Apperson  
Elections Technician

CA:pl

May 14, 1976

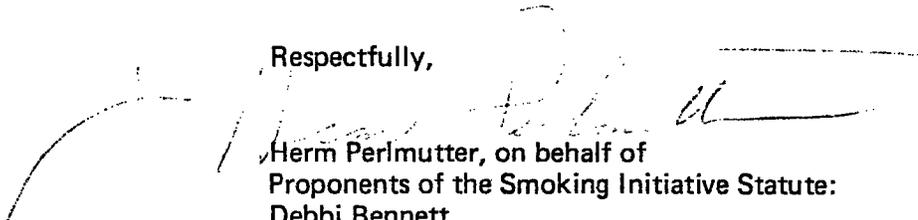
Mr. Graybill was extremely uncooperative to those of us who contacted him and requested information and an expeditious reply. He left us feeling that he was being derelict in his responsibility to the office of the Attorney General.

As our group is comprised of individuals working strictly on a volunteer basis, we need the full 150-day circulation period to collect the required quota of signatures. It is most important that we qualify for the November 1976 ballot, as this measure is designed to protect the health of millions of Californians.

We have been informed that waivers have been granted to other initiative proponents, and we would appreciate the same consideration for our committee. We believe the administration of our summary and title could have been handled far more efficiently by the agencies involved.

Your earliest reply to our request will be greatly appreciated. We look forward to hearing from you.

Respectfully,



Herm Perlmutter, on behalf of  
Proponents of the Smoking Initiative Statute:

Debbi Bennett  
Susan Kennedy  
Herm Perlmutter  
Phil Simmons  
Mike Schwartz

cc: Alan Robbins, Senator  
Alan Sieroty, Assemblyman  
Jim Keysor, Assemblyman and Chairman  
Elections and Reapportionment Committee  
Members of Elections and Reapportionment  
Committee

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# Californians for Clean Indoor Air

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Herm Perlmutter  
*Co-Chairman*  
Debbi Bennett  
*Co-Chairman*  
Carole Lipschultz  
*Chairman, Endorsements*  
Susan Kennedy  
*Secretary*  
Morrie Perlmutter  
*Treasurer*  
Nelson Schwartz  
Eileen Valentino  
*Orange County  
Coordinator*  
Jane Levinsohn  
*Northern California  
Coordinator*  
Max Treece  
*San Diego County  
Coordinator*  
Mike Schwartz  
Phil Simmons

May 14, 1976

The Honorable March Fong Eu  
Secretary of State  
925 L Street, Suite 605  
Sacramento, California 95814

Re: Smoking—Initiative Statute; Reg. No. 760071

Dear Mrs. Eu:

As the proponents of the Smoking—Initiative Statute (California Clean Indoor Air Act of 1976), we respectfully request a waiver of Section 3508 of the Elections Code, due to a delay that was beyond our control. We had submitted our measure to the office of the Attorney General on November 22, 1975, with complete trust that this submission date would afford us sufficient time for circulation prior to the November 1976 ballot. Said title and summary were not completed and permission to circulate was not granted until February 13, 1976. This period of 83 days deprived us of two months of this planned circulating time, thus making it impossible to qualify our measure for the November 1976 ballot.

We request this waiver of Section 3508 so that we may have the full 150 days to submit our signatures by July 9, 1976 (our deadline for circulating, as mandated by your office) and still qualify the Smoking Initiative Statute for November 1976.

Allow us to explain briefly the circumstances that lead us to believe our request is warranted.

During this 83-day period, we made numerous inquiries to Mr. Geoffrey Graybill of the Attorney General's office and to members of your offices, both in Los Angeles and Sacramento. No one could ever inform us of the status of our initiative or project a starting date. Assemblyman Tom Bane, Assemblyman Alan Seiroty, and Senator Alan Robbins all tried to investigate the unaccountable delay in the Attorney General's office, again with no results.

Although we had had some immediate difficulty regarding fees and proponents, this was rectified within five days. From this point on, we heard nothing. The Election Code mandates 25 days (or less) for a determination of the financial impact on the State. There obviously is none in this measure, but still allowing the finance committee its full 25 days plus time for mailing each way, we find it incomprehensible that it took over 50 days to draw up a summary and title of 37 words. Said summary, as a matter of fact, was poorly written, does not accurately define the contents of the measure, and, as we have determined during our campaign, actually misleads the voters.



Office of the Secretary of State  
March Fong Eu

111 Capitol Mall  
Sacramento, California 95814

Executive Office	(916) 445-8371
Certification	(916) 445-1430
Corporation Index	(916) 445-2900
Corporation Records	(916) 445-1768
Election Division	(916) 445-0820
Legal Division (Corp.)	(916) 445-0620
Notary Public Division	(916) 445-8507
State Archives	(916) 445-4293
Uniform Commercial Code	(916) 445-8061

February 11, 1976

TO THE REGISTRARS OF VOTERS AND COUNTY CLERKS

Pursuant to Section 3507 of the Elections Code, there is transmitted herewith a copy of the Title and Summary prepared by the Attorney General on a proposed Initiative Measure entitled:

Smoking  
Initiative Statute

Circulating and Filing Schedule

1. Minimum number of signatures required.....312,404  
Constitution IV, 22(b).
2. Official Summary Date.....2/11/76  
Elections Code Section 3507.
3. Petition Sections:
  - a. First day Proponent can circulate Sections for signatures.....2/11/76
  - b. Last day Proponent can circulate and file with the county. All Sections are to be filed at the same time.....7/9/76\*  
Elections Code Sections 3507, 3520(a).
  - c. Last day for county to determine total number of signatures affixed to petition and to transmit total to Secretary of State.....7/14/76  
  
(If the Proponent files the petition with the county on a date other than 7/9/76 the last day is not later than the fifth day after the filing of the petition.)  
Elections Code Section 3520(b).
  - d. Last day for county to determine number of qualified electors who have signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State.....7/29/76

\* Date adjusted for official deadline which falls on Saturday or Sunday.

(If the Secretary of State notifies the counties to determine the number of qualified electors who signed the petition on a date other than 7/14/76 the last day is not later than the fifteenth day after the notification.)  
Elections Code Section 3520(d,e).

- e. If the signature count is between 281,164 and 343,644 then the Secretary of State notifies counties using the random sampling technique to determine validity of all signatures.

Last day for county to determine actual number of all qualified electors who signed the petition, and to transmit certificate, with a blank copy of the petition to the Secretary of State.....8/27/76\*

(If the Secretary of State notifies the counties to determine the number of qualified electors who have signed the petition on a date other than 7/29/76 the last day is not later than the thirtieth day after the notification.)  
Elections Code Section 3520.5

4. Campaign Statements:

- a. If the measure qualifies for the ballot:  
Last day for Proponent to file a Statement of Receipts and Expenditures for period ending 9/25/76.....10/02/76

(If the Secretary of State qualified the measure for the ballot on a date other than 7/29/76, the last day to file is the 65th calendar day after the date the measure qualified).  
Government Code Section 84202(a).

- b. If the measure does not qualify for the ballot:  
Last day for Proponent to file a Statement of Receipts and Expenditures for period 9/5/76.....9/12/76  
Government Code Section 84202(b).

5. The Proponents of the above measure are:

Mr. Phil Simmons  
12634 Tiara Street  
North Hollywood, CA 91607

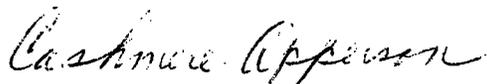
Mr. Herm Perlmutter  
6255 Fulton Avenue, Apt. 6  
Van Nuys, CA 91401

Ms. Susan Kennedy  
11118 Cohasset Street  
Sun Valley, CA 91352

Ms. Debbi Bennett  
1260 North Las Palmas Avenue  
Los Angeles, CA 90038

Michael D. Schwartz  
12634 Tiara Street  
North Hollywood, CA 91607

WILLIAM N. DURLEY  
Assistant to the Secretary of State  
Elections and Political Reform



Cashmere Apperson  
Elections Technician

CA:pl

NOTE TO PROPONENT: Your attention is directed to Elections Code Sections 3500.1, 3502.5 and 3511 for appropriate format and type considerations in printing, typing and otherwise preparing your initiative petition for circulation and signatures.

Your attention is further directed to Government Code Sections 85200 et seq regarding the circulation of statewide petitions.

This initiative measure will not qualify in time for the November 2, 1976 election if the above dates are followed. In order to qualify for the November 2, 1976 election, the above time frame must be shortened so that the Secretary of State certifies the measure for the ballot by June 24, 1976.

CALIFORNIANS for CLEAN INDOOR AIR

1260 North Las Palmas  
Box H  
Los Angeles, California 90038

November 22, 1975

The Honorable Evelle Younger  
Attorney General of California  
State Capitol  
Sacramento, California 95814

Dear Mr. Younger:

We, the proponents of the California Clean Indoor Air Act of 1976, respectfully submit to you the enclosed draft of the initiative which we wish to be placed on the November 1976 ballot should it qualify.

We hereby request that you formulate a summary of the purpose and points of the statutory initiative, as well as approve our title or arrange one that you prefer. We have enclosed a check in the sum of \$200.00 to cover the filing fee.

Thank you for your prompt attention to this matter.

Very cordially yours,

Californians for Clean Indoor Air  
Steering Committee

*Debbi Bennett*  
Debbi Bennett

*Susan Kennedy*  
Susan Kennedy

*Herm Perlmutter*  
Herm Perlmutter

Michael Schwartz  
*Michael Schwartz*  
Phil Simmons

*Phil Simmons*

*Handwritten notes and signatures in the right margin, including the name 'Debbi Bennett'.*



OFFICE OF THE ATTORNEY GENERAL

**Department of Justice**

555 CAPITOL MALL, SUITE 550  
SACRAMENTO 95814  
(916) 445-9555

February 11, 1976

**FILED**  
In the office of the Secretary of State  
of the State of California

**FEB 17 1976**

MARCH FONG EU, Secretary of State

By *Cashmere M. Apperson*  
Deputy

Honorable March Fong Eu  
Secretary of State  
111 Capitol Mall  
Sacramento, CA 95814

Re: Smoking. Initiative Statute.

Dear Mrs. Eu:

Pursuant to the provisions of section 3507 of the Elections Code you are hereby informed that on this day we mailed to Debbi Bennett, Susan Kennedy, Herm Perlmutter, Phil Simmons, and Michael D. Schwartz, as proponents, the following title and summary:

SMOKING. INITIATIVE STATUTE. Prohibits smoking in: health, theater, restaurant, business, elevator, transportation, educational, government and other facilities, except in specified areas marked by signs. Provides for fines for willful violation by smokers and persons controlling facilities. Does not preempt stricter local regulation.

Enclosed herewith is a declaration of mailing thereof, and a copy of the proposed measure.

Very truly yours,

EVELLE J. YOUNGER  
Attorney General

*Geoffrey L. Graybill*  
GEOFFREY L. GRAYBILL  
Deputy Attorney General

GLG:vb  
Enc.

DECLARATION OF MAILING

RE: Initiative Statutory Amendment -  
Clean Indoor Air

I, Valeska Barham, declare as follows:

I am a citizen of the United States, over the age of 18 years, and not a party to the within action; I reside in the County of Sacramento, State of California; my business address and place of employment is 555 Capitol Mall, Suite 550, Sacramento, CA 95814.

The proponent(s) of the above named measure are:

Mr. Phil Simmons  
12634 Tiara Street  
North Hollywood, CA 91607

Ms. Debbi Bennett  
1260 North Las Palmas Avenue  
Los Angeles, CA 90038

Mr. Herm Perlmutter  
6255 Fulton Avenue, Apt. 6  
Van Nuys, CA 91401

Michael D. Schwartz  
12634 Tiara Street  
North Hollywood, CA 91607

Ms. Susan Kennedy  
11118 Cohasset Street  
Sun Valley, CA 91352

On the 11th day of February, 1976, I mailed a letter, a true copy of which is attached hereto, to the person(s) above named, in an envelope addressed to at the address(es) set out immediately below name(s), sealed said envelope(s), and deposited the same in the United States mail at the City of Sacramento, County of Sacramento, State of California, with postage thereon fully prepaid, and there is regular communication between the said place of mailing and the place(s) so addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Sacramento, California, on February 11, 1976.

Valeska Barham

## INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE ELECTORS

The people of the State of California do enact as follows:

SECTION 1: Chapter 10.7 is added to the Health and Safety Code, to read:

### Chapter 10.7 Tobacco Smoke

#### 25930.

This chapter shall be known and may be cited as "The California Clean Indoor Air Act of 1976."

#### 25931.

The People of the State of California find and declare that tobacco smoke is harmful to people's health, comfort, and environment; that non-smokers have no adequate means to protect themselves from that harm in certain indoor areas frequented by the general public; and that regulation of smoking in such areas is necessary to protect the health and welfare of the citizens of the State.

#### 25932.

For the purposes of this chapter, "smoking" includes inhaling upon, burning, or carrying any lighted cigar, cigarette, pipe, or any other lighted tobacco-smoking equipment.

#### 25933.

Smoking is prohibited in all health facilities, as defined in Section 1250 of the Health and Safety Code; clinics, as defined in Section 1202 of the Health and Safety Code; and offices of any person licensed to practice any of the healing arts regulated under Division 2 of the Business and Professions Code; except that smoking may be permitted in the following areas:

- (a) in specifically designated smoking lounges which must be segregated from non-smoking areas and which may not exceed fifty per cent of the total area available for waiting rooms and lounges;
- (b) rooms and wards assigned only to patients who choose to smoke; and
- (c) administrative offices and other areas not frequented or occupied by patients

or members of the general public.

**25934.**

Smoking is prohibited in any building or other enclosed facility open to the general public for the purposes of exhibiting any motion picture, stage production, musical recital, sports event, or similar performance, or in any auditorium, enclosed arena, or meeting room used for any form of assembly which the general public attends; except that smoking may be permitted in the following areas:

- (a) any area which serves as a lobby;
- (b) any area which is being used for a private function; and
- (c) any area not open to the general public.

**25935.**

In any restaurant with an occupancy capacity of fifty or more persons, no less than twenty-five per cent of the total area of occupancy capacity shall be designated and posted as a non-smoking area in which smoking is prohibited. Such non-smoking area shall be one contiguous area and situated so that existing physical barriers, ventilation systems, and other means are used to minimize the effect of smoke from adjacent smoking areas. This section does not apply, however:

- (a) in an area of a restaurant which is being used for a private social function with seating arrangements under the control of the sponsor of the function and not of the person with authority to manage and control the restaurant; and
- (b) in any area of a restaurant not open to the general public.

For purposes of this section, "restaurant" means any business establishment that prepares, serves, and sells food to the general public, whether such food is consumed on or off the premises.

**25936.**

Unless otherwise provided in this chapter, smoking is prohibited in all business establishments which provide personal services to the general public, and in all retail stores, including food markets, which sell goods and food to the general public, except that smoking may be permitted in any area not open to the general public.

**25937.**

Smoking is prohibited in any elevator, public conveyance, or enclosed passenger terminal building of a public conveyance, except that smoking may be permitted in the following areas:

- (a) separate smoking areas of public conveyances or their terminal buildings, provided that such smoking areas do not exceed fifty per cent of the total area open to the general public; and
- (b) any area not open to the general public.

For purposes of this section, "public conveyance" means the public passenger transportation vehicles of every railroad corporation, passenger stage corporation, passenger air carrier, or street railroad corporation used to provide intrastate passenger transportation.

**25938.**

Smoking is prohibited in any building or other enclosed facility used as a public or private school, college, or university, except that smoking may be permitted in enclosed lounges for smoking. Classrooms, libraries, laboratories, shops, and restrooms may not be designated as smoking lounges. Cafeterias and other areas in which food is prepared, served, and sold are subject to the provisions of Section 25935 of this chapter (relating to restaurants) and are not subject to the provisions of this section.

**25939.**

Smoking is prohibited within those portions of any enclosed building occupied by any governmental agency, except that smoking may be permitted in those areas not open to the general public.

**25940.**

Every person having authority to manage and control any place where smoking is prohibited by this chapter:

- (a) shall cause smoking and non-smoking areas to be established in accordance with this chapter and be conspicuously marked with signs calculated to give notice to the general public; and
- (b) shall not wilfully permit smoking where smoking is prohibited by this chapter.

**25941.**

No person shall smoke in any place where smoking is prohibited by this chapter.

**25942.**

Any person who wilfully violates Section 25940 of this chapter is guilty of an infraction punishable by a fine not in excess of one-hundred dollars. Any person who wilfully violates Section 25941 of this chapter is guilty of an infraction punishable by a fine not in excess of fifty dollars. Health and Safety Code Section 24800 is not applicable to this chapter.

**25943.**

This act does not permit smoking where otherwise restricted by law. Nor is this act intended to preempt the field of regulation of smoking; further lawful restrictions, including complete prohibitions of smoking, shall not be construed to conflict with this act.

**25944.**

If any provision of this chapter, or the application of such provision to any person or circumstance, shall be held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application; and to this end, the provisions of this chapter are severable.

**25945.**

This act may be amended or repealed by a statute that becomes effective only when approved by the electors.

**24946.**

This act becomes effective January 1, 1977.