

**APPROVED**  
DEC 09 2015  
BOARD OF RECREATION  
& PARK COMMISSIONERS

REPORT OF GENERAL MANAGER

NO. 15-271

DATE December 9, 2015

C.D. Various

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: ORDINANCE ADDING SECTION 41.50.1 AND AMENDING SECTION 63.44 OF CHAPTER VI OF THE LOS ANGELES MUNICIPAL CODE TO PROHIBIT THE USE OF SMOKELESS TOBACCO AT EVENT SITES FOR ORGANIZED SPORTING EVENTS AND AT CITY PARKS; AND TO ADD DEFINITIONS RELATED TO SMOKING

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N. Williams \_\_\_\_\_

  
\_\_\_\_\_  
General Manager

Approved

Disapproved \_\_\_\_\_

Withdrawn \_\_\_\_\_

RECOMMENDATIONS:

That the Board:

1. Recommend that the Los Angeles City Council (Council) adopt an ordinance adding Section 41.50.1 to the Los Angeles Municipal Code (LAMC), as originally transmitted pursuant to Rule 38, and attached to this report (Attachment A), to prohibit the use of smokeless tobacco at event sites for organized sporting events and at City parks and recreation areas, amending Subsection A of 63.44 of the LAMC to add definitions for electronic smoking devices, smoke, smokeless tobacco and smoking, and amending Subsection B of Section 63.44 to prohibit the use of smokeless tobacco at all City parks;
2. Make the legislative findings stated in the above referenced Code sections of the draft ordinance in support of its enactment; and
3. Upon the Council's approval of the draft ordinance, direct the Department of Recreation and Parks (RAP) to prominently post and display signs at every site entrance where organized sporting events occur; a conspicuous sign clearly stating the use of smokeless tobacco is prohibited. Such signs shall also be posted in all Park dugouts, bullpens, training rooms and locker rooms.

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### SUMMARY:

While cigarette smoking in the U.S. has been on the decline, a report from the U.S. Centers for Disease Control and Prevention (CDC) indicates that the use of smokeless tobacco among youth has not declined significantly since 1999. Far too many young people use smokeless tobacco, as reported by the CDC finding that nationally 14.7 percent of high-school boys and 8.8 percent of all high-school students reported using smokeless tobacco products in 2013. Public health authorities, including the Surgeon General and the National Cancer Institute, have found that smokeless tobacco use is hazardous to health and can lead to nicotine addiction. The National Cancer Institute states that chewing tobacco and snuff contain 28 cancer-causing agents, and the U.S. National Toxicology Program has established smokeless tobacco as a "known human carcinogen." The National Cancer Institute and the International Agency for Research on Cancer report that use of smokeless tobacco causes oral, pancreatic and esophageal cancer.

Smokeless tobacco products are heavily advertised and promoted, with the top five smokeless tobacco companies in the U.S. tripling their total advertising and marketing expenditures from 1998 to 2011 (the most recent year for which data are available). The Federal Trade Commission reports that in 2012, smokeless tobacco companies spent \$435.7 million to advertise and promote their products.

The CDC stated that, "Athletes serve as role models for youth, and smokeless tobacco manufacturers have used advertising, images, and testimonials featuring athletes and sports to make smokeless tobacco products appear attractive to youth." The CDC expert also noted that, "Children and teens closely observe athletes' actions, including their use of tobacco products, and are influenced by what they see. Adolescents tend to mimic the behaviors of those they look up to and identify with, including baseball players and other athletes."

In a letter to then baseball Commissioner Bud Selig following the death of Major League Baseball icon Tony Gwynn, nine leading health care organizations, including the American Medical Association, the American Cancer Society, American Lung Association, American Heart Association, Campaign for Tobacco-Free Kids and American Dental Association, stated that, "Use of smokeless tobacco endangers the health of major league ballplayers. It also sets a terrible example for the millions of young people who watch baseball at the ballpark or on TV and often see players and managers using tobacco."

Youth participation in sports has many health benefits including developing positive fitness habits, reducing obesity, and combating the epidemic of early onset diabetes. Forty-five percent of all American youth play in an agency-sponsored sports league such as Little League baseball or Pop Warner football--that figure represents 22 million children each year who are positively influenced by actively participating in organized sporting events.

Research supports that changing policy, environment and social norms, regarding smokeless tobacco use, can positively influence young people and reduce use. Coaches and players at all levels, especially professionals, can become positive role models to young players by reducing and/or ceasing their use, reinforcing existing smokeless tobacco bans, and participating in educating youth on the health risks of smokeless tobacco.

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Use of smokeless tobacco can also interfere with the enjoyment of spectators and others using sports fields. Users of two forms of smokeless tobacco, snuff and chewing tobacco, let the tobacco sit in their mouth while they suck on the tobacco juices, spitting often to get rid of the saliva that builds up, creating unsightly and offensive conditions for others.

The smoking of tobacco products is already prohibited at all City parks and recreation areas within the City of Los Angeles, at the Los Angeles Memorial Coliseum, at the Los Angeles Sports Arena and inside the STAPLES Center. The entire University of California system (ten campuses) is tobacco-free and smoke-free, including athletic fields and stadiums. The University of Southern California (USC) policy prohibits the use of smokeless tobacco at all athletic facilities, and the California State University Office of the Chancellor has announced its intention for a tobacco-free system in the near future.

Tobacco use has been prohibited in minor league baseball games since 1993 and in the National Collegiate Athletic Association since 1994; the Little League World Series is tobacco-free; and the Los Angeles Unified School District policies prohibit use of tobacco on all District property. Nearly 1,000 college campuses nationwide are tobacco-free. Research shows that students, faculty and staff looking to stop their nicotine habits are more likely to do so in an environment that prohibits all tobacco use.

### SUMMARY OF ORDINANCE PROVISIONS:

Through the proposed Tobacco-Free Sporting Events Ordinance, the City seeks to protect public health and safety by prohibiting the use of smokeless tobacco anywhere where organized sporting events occur. To accomplish this goal, the proposed draft ordinance adds a new Section 41.50.1 to the LAMC, which institutes a complete ban on the use of smokeless tobacco at all event sites where organized sporting events are played, such as stadiums or arenas. This ban applies to the entire physical area of the event site and includes both indoor and outdoor spaces.

Currently, LAMC Section 63.44 B.24 prohibits smoking in City parks. Recognizing that City parks are often sites for organized sporting events, the proposed draft ordinance also amends LAMC Section 63.44 B.24 by adding a prohibition on the use of smokeless tobacco to the existing smoking prohibition. As a result, all tobacco usage, whether by smoking or by use of smokeless tobacco, will be prohibited in City parks.

In addition to creating a new definition in LAMC Section 63.44 A for the term smokeless tobacco, the proposed draft ordinance also makes a necessary technical fix to add previously approved definitions for electronic smoking devices, smoke and smoking. These definitions were inadvertently deleted by Ordinance No. 183,815 which was adopted by City Council on August 5, 2015.

### Council 38 Referral

Pursuant to Council Rule 38, copies of the draft ordinance were sent to RAP and the Police Department requesting that all comments, if any, be presented directly to the City Council when this matter is considered.

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FISCAL IMPACT STATEMENT:

The fiscal impact at this time is unknown. There will be costs related to the posting and maintenance of signs which inform the public of the ordinance, as well as possible enforcement costs.

This report was prepared by Bertha Calderon, Management Analyst, Metro Region.

ORDINANCE NO. \_\_\_\_\_

An ordinance adding Section 41.50.1 to the Los Angeles Municipal Code and amending Section 63.44 of Chapter VI of the Los Angeles Municipal Code to prohibit the use of smokeless tobacco at event sites for organized sporting events and at City parks and recreation areas; and to add definitions related to smoking.

**WHEREAS**, while cigarette smoking in the U.S. has been on the decline, a report from the U.S. Centers for Disease Control and Prevention (CDC), indicates that the use of smokeless tobacco among youth has not declined significantly since 1999;

**WHEREAS**, far too many young people use smokeless tobacco, as reported by the CDC in findings that nationally 14.7 percent of high-school boys and 8.8 percent of all high-school students reported using smokeless tobacco products in 2013;

**WHEREAS**, public health authorities, including the Surgeon General and the National Cancer Institute, have found that smokeless tobacco use is hazardous to health and can lead to nicotine addiction;

**WHEREAS**, the National Cancer Institute states that chewing tobacco and snuff contain 28 cancer-causing agents, and the U.S. National Toxicology Program has established smokeless tobacco as a “known human carcinogen;”

**WHEREAS**, the National Cancer Institute and the International Agency for Research on Cancer report that use of smokeless tobacco causes oral, pancreatic and esophageal cancer;

**WHEREAS**, smokeless tobacco products are heavily advertised and promoted, with the top five smokeless tobacco companies in the U.S. tripling their total advertising and marketing expenditures from 1998 to 2011 (the most recent year for which data are available). The Federal Trade Commission reports that in 2012, smokeless tobacco companies spent \$435.7 million to advertise and promote their products;

**WHEREAS**, an expert from the CDC stated that, “Athletes serve as role models for youth, and smokeless tobacco manufacturers have used advertising, images, and testimonials featuring athletes and sports to make smokeless tobacco products appear attractive to youth;”

**WHEREAS**, the CDC expert also noted that, “Children and teens closely observe athletes’ actions, including their use of tobacco products, and are influenced by what they see. Adolescents tend to mimic the behaviors of those they look up to and identify with, including baseball players and other athletes;”

**WHEREAS**, in a letter to then baseball Commissioner Bud Selig following the death of Major League Baseball icon Tony Gwynn, nine leading health care organizations, including the American Medical Association, the American Cancer Society, American Lung Association, American Heart Association, Campaign for

Tobacco-Free Kids and American Dental Association, stated that, "Use of smokeless tobacco endangers the health of major league ballplayers. It also sets a terrible example for the millions of young people who watch baseball at the ballpark or on TV and often see players and managers using tobacco;"

**WHEREAS**, the strong association of sports and smokeless tobacco is reinforced by the use of smokeless tobacco by players, coaches and fans at every level of the sport, professional and amateur;

**WHEREAS**, youth participation in sports has many health benefits including developing positive fitness habits, reducing obesity, and combating the epidemic of early onset diabetes. Forty-five percent of all American youth play in an agency-sponsored sports league such as Little League baseball or Pop Warner football--that figure represents 22 million children each year who are positively influenced by actively participating in organized sporting events;

**WHEREAS**, research supports that changing policy, environment and social norms, regarding smokeless tobacco use, can positively influence young people and reduce use. Coaches and players at all levels, especially professionals, can become positive role models to young players by reducing and/or ceasing their use, reinforcing existing smokeless tobacco bans, and participating in educating youth on the health risks of smokeless tobacco;

**WHEREAS**, use of smokeless tobacco can also interfere with the enjoyment of spectators and others using sports fields. Users of two forms of smokeless tobacco, snuff and chewing tobacco, let the tobacco sit in their mouth while they suck on the tobacco juices, spitting often to get rid of the saliva that builds up, creating unsightly and offensive conditions for others;

**WHEREAS**, the smoking of tobacco products is already prohibited at all City parks and recreation areas within the City of Los Angeles, at the Los Angeles Memorial Coliseum, at the Los Angeles Sports Arena and inside the STAPLES Center;

**WHEREAS**, the entire University of California system (ten campuses) is tobacco-free and smoke-free, including athletic fields and stadiums. The University of Southern California (USC) policy prohibits the use of smokeless tobacco at all athletic facilities, and the California State University Office of the Chancellor has announced its intention for a tobacco-free system in the near future;

**WHEREAS**, tobacco use has been prohibited in minor league baseball games since 1993 and in the National Collegiate Athletic Association since 1994; the Little League World Series is tobacco-free; and the Los Angeles Unified School District

policies prohibit use of tobacco on all District property. Nearly 1,000 college campuses nationwide are tobacco-free. Research shows that students, faculty and staff looking to stop their nicotine habits are more likely to do so in an environment that prohibits all tobacco use.

**NOW, THEREFORE,**

**THE PEOPLE OF THE CITY OF LOS ANGELES  
DO ORDAIN AS FOLLOWS:**

Section 1. A new Section 41.50.1 is added to the Los Angeles Municipal Code to read as follows:

**41.50.1. USE OF SMOKELESS TOBACCO PROHIBITED AT EVENT SITES FOR ORGANIZED SPORTING EVENTS.**

**A. Definitions.**

1. **“Event Site for Organized Sporting Events”** shall mean the entire physical area of a site, such as a stadium or arena, where organized sporting events occur. The entire physical area includes all open, semi-open and enclosed spaces and structures including, but not limited to, playing fields, dugouts, bullpens, training rooms, locker rooms, team bench areas, spectator seating areas, pedestrian walkways, bathrooms, dining areas, vendor areas, offices and recreational areas. An event site for organized sporting events does not include City parks defined in Section 63.44 A of this Code and regulated by Section 63.44 B of this Code.

2. **“Organized Sporting Events”** shall mean games of or athletic competitions related to baseball, softball, football, basketball, hockey, track and field, field hockey, lacrosse or soccer; or any event involving a game or other athletic competition organized by a league or association of persons, including but not limited to, professional, amateur, adult recreational, youth recreational and school sponsored leagues.

3. **“Smokeless tobacco”** shall mean any product containing cut, ground, powdered or leaf tobacco that is intended to be placed in the oral or nasal cavity, including but not limited to snuff, chewing tobacco, dipping tobacco, dissolvable tobacco products and snus.

**B. Prohibitions.**

1. The use of smokeless tobacco shall be prohibited at all times at event sites for organized sporting events.

C. **Signage Requirement.**

1. Persons or entities having the authority to manage and control and those managing and controlling an event site for organized sporting events shall post or cause to be posted and prominently displayed at every entrance, a conspicuous sign clearly communicating that the use of smokeless tobacco is prohibited. Such signs shall also be posted in all dugouts, bullpens, training rooms and locker rooms.

D. **Penalty.** Violation of any provision of this section is an infraction.

Sec. 2. Subsection A of Section 63.44 of the Los Angeles Municipal Code is amended to add, in alphabetical order, the following terms and definitions:

**“Electronic Smoking Device”** shall mean an electronic or battery-operated device that delivers vapors for inhalation. This term shall include every variation, and type of such devices, whether they are manufactured, distributed, marketed or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah or any other product name or descriptor.

**“Smoke”** shall mean the gases, particles or vapors released into the air as a result of combustion, electrical ignition or vaporization, including from an electronic smoking device, when the purpose of the combustion, electrical ignition or vaporization is human inhalation of the gases, particles or vapors. Smoke does not mean the combustion of material solely for olfactory purposes that does not contain any tobacco or nicotine or the emissions from a product specifically approved by the United States Food Drug Administration for use in mitigating, treating or preventing disease.

**“Smokeless Tobacco”** shall mean any product containing cut, ground, powdered or leaf tobacco that is intended to be placed in the oral or nasal cavity, including but not limited to snuff, chewing tobacco, dipping tobacco, dissolvable tobacco products and snus.

**“Smoking”** shall mean engaging in an act that generates smoke, such as possessing a lighted pipe, a lighted hookah pipe, a lighted cigar, a lighted cigarette or an operating electronic smoking device.

Sec. 3. Subdivision 24 of Subsection B of Section 63.44 of the Los Angeles Municipal Code is amended to read as follows:

24. Smoking and the use of smokeless tobacco is prohibited. A violation of this subdivision shall be punishable as an infraction.

(a) **Exception.** Smoking and the use of smokeless tobacco is permitted in the following areas:



(1) City golf courses, except for the following courses where smoking is only allowed in designated areas and not in all areas of the course:

Roosevelt Golf Course  
Wilson Golf Course  
Harding Golf Course  
Tregnan Golf Academy

(2) Those areas within parks that are specified in a permit issued by the Recreation and Parks Film Office authorizing smoking by actors during filming; and

(3) Designated smoking areas at the Autry National Center, the Greek Theater, and the Los Angeles Zoo.

(b) **Signage Requirement.** The Department shall post and maintain conspicuous signs clearly indicating that smoking and the use of smokeless tobacco is prohibited. These signs shall clearly state that the use of smokeless tobacco is prohibited, recite the phrase “No Smoking” and/or use the international no-smoking symbol, and shall cite this subdivision of Section 63.44 of the Los Angeles Municipal Code.

Sec. 4. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of \_\_\_\_\_.

HOLLY L. WOLCOTT, City Clerk

By \_\_\_\_\_ Deputy

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By \_\_\_\_\_  
ANTHONY-PAUL DIAZ  
Deputy City Attorney

Date \_\_\_\_\_

File No. \_\_\_\_\_