



TOWN OF FAIRFAX

STAFF REPORT

December 12, 2016

TO: Mayor and Town Council

FROM: Garrett Toy, Town Manager *GT*

SUBJECT: Report on amendments to Town Code Chapter 8.44 ('Clean Indoor and Outdoor Air and Health Protection - Smoking Regulations')

Note: This item was CONTINUED from September, October, and November Town Council Meetings and was originally agendized as a discussion item.

RECOMMENDATION

Report on amendments to Town Code Chapter 8.44 ('Clean Indoor and Outdoor Air and Health Protection - Smoking Regulations')

DISCUSSION

In June 2016, new state tobacco laws took effect that increased the minimum age of sale for tobacco products in California from 18 to 21, and added e-cigarettes to the existing definition of tobacco products, in essence tightening restrictions on e-cigarettes. Previously in 2015, the Council amended the Town Code Chapter 8.44 Clean Indoor and Outdoor Air and Health Protection - Smoking Regulations to prohibit smoking e-cigarettes in the same manner as smoking tobacco.

With these new state laws, staff will be amending the Town Code to reflect both past and current changes in State law. Prior to the passage of Prop. 64 "Adult Use of Marijuana Act" (AUMA), Mayor Goddard wanted the Council to discuss prohibiting smoking marijuana in locations similar to tobacco products such as Town-owned facilities, certain enclosed areas (e.g., businesses), and certain unenclosed public areas (e.g., parks).

However, with the passage of Prop. 64 "Adult Use of Marijuana Act" (AUMA), smoking marijuana is prohibited in the same locations as smoking tobacco. As a result, the purpose of the amendments is to make Town code consistent with State law as opposed to the Town adding more smoking restrictions.

FISCAL IMPACT

n/a