

**STANDARDS PRESENTATION
TO
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

PROPOSED STATE STANDARD,
TITLE 8, DIVISION 1, CHAPTER 4

Amend Section 5148 to read:

§5148. Prohibition of Smoking in the Workplace.

(a) No employer shall knowingly or intentionally permit, and no person shall engage in, the smoking of tobacco products, **cannabis or cannabis products** in an enclosed space at a place of employment.

(b) For purposes of this section, an employer who permits any nonemployee access to his or her place of employment on a regular basis has not acted knowingly or intentionally if he or she has taken the following reasonable steps to prevent smoking by a nonemployee:

(1) Posted clear and prominent signs, as follows:

(A) Where smoking is prohibited throughout the building or structure, a sign stating “No smoking” shall be posted at each entrance to the building or structure.

(B) Where smoking is permitted in designed areas of the building or structure, a sign stating “Smoking is prohibited except in designated areas” shall be posted at each entrance to the building or structure.

(2) Has requested, when appropriate, that a nonemployee who is smoking refrain from smoking in the enclosed workplace. For purposes of this subsection, “reasonable steps” does not include (A) the physical ejection of a nonemployee from the place of employment or (B) any requirement for making a request to a nonemployee to refrain from smoking, under circumstances involving a risk of physical harm to the employer or any employee.

(c) For purposes of this section:

(1) “Enclosed space” includes lobbies, lounges, waiting areas, elevators, stairwells, and restrooms that are a structural part of the building and not specifically defined in subdivision (c)(2).

(2) “Place of employment” does not include any of the places listed in Labor Code section 6404.5, subsections (d)(1) through (d)(6), and (d)(9) through (d)(14).

(3) “smoking” has the same meaning as in Business and Professions Code section 22950.5(c).

(4) “tobacco product” means a product or device as defined in Business and Professions Code section 22950.5(d).

(5) “cannabis or cannabis products” in accordance with Health and Safety Code section 11362.3 shall not be smoked in a location where smoking tobacco is prohibited.

Note: Authority cited: Section 142.3, Labor Code. Reference: Sections 142.3, ~~and~~ 6404.5, Labor Code **and Section 11362.3, Health and Safety Code.**