

Bay Area Anti-Smoking Law Tentatively OK'd

■ **Health:** Walnut Creek ordinance, called one of the most restrictive in U.S., would prohibit lighting up in offices and restaurants.

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WALNUT CREEK, Calif.—City Council members on Wednesday tentatively approved what was being called one of the nation's most restrictive anti-smoking ordinances, banning nearly all cigarette vending machines and forbidding residents to light up in offices and restaurants.

The measure, approved on a 3-2 vote, is a toned-down version of a proposal that would have permitted smoking only in tobacco stores, private residences and hotel rooms. It is expected to win full council approval May 7.

"This is the strongest and most comprehensive ordinance in the nation, if not the world," said Mark Pertschuk, executive director of the Berkeley-based Americans for Nonsmoker's Rights, a nonprofit organization that tracks anti-smoking laws. "No other ordinances even compare."

Although a growing number of California cities—190, at last count—have limited smoking in public places, none have gone as far as this city, according to Pertschuk, who assists the National Cancer Institute in publishing a tally of anti-smoking legislation.

Nationwide, of the more than 500 cities that

have smoking restrictions, none duplicates the three elements that make this the toughest, Pertschuk said: total bans in restaurants and offices, and required removal of vending machines from most public places.

Under the new rules, existing smoking sections in restaurants would be phased out within a year. Cigarette vending machines must be removed by Oct. 1 from any area accessible to juveniles. By May, 1992, smoking will be off limits in all office buildings and workplaces, including previously designated areas.

Only patrons of cocktail lounges and bars will retain the right to light up indoors. Violators face fines of up to \$500.

"We're trying to protect the rights of people who don't want to smoke," said Walnut Creek Mayor Gwen Regalia, herself an occasional smoker who voted for the ordinance. "This is a reasonable approach to protecting the public health."

A trade association representing the tobacco industry called the ordinance "Draconian and intrusive."

"I guess there's no room for smokers' rights," said Thomas Lauria, a spokesman for the Tobacco Institute in Washington. "They've even reached into the workplace. That's scary. It begs the question: What next?"

But in Walnut Creek, about 20 miles east of San Francisco, the passions that flared during last month's public debates over smoking restrictions seem to have cooled somewhat. City officials estimate there are slightly more than 6,000 smokers in this community of

nearly 62,000. Many residents said they are indifferent to the ban, while others greet it with a sigh of relief.

"I find it a disgusting habit," said Yvonne Sanchez, who works for an accounting firm in the city. "I walk out of smoky restaurants. The only reason I've kept my job is that they don't allow smoking. I don't want to go home smelling like someone else's habit."

Even smokers like Chris Erdle, at the Locust Street Deli in downtown Walnut Creek with a friend, said he is not particularly concerned about the law.

"As long as they let me smoke outside," he said, pausing to puff on a cigarette, "I'm not really worried about it. It's no big deal."

His friend nodded, mashing his lit cigarette into an ashtray and adding: "They're bad for you, anyway."

But Wayne Wilkinson, who owns Crogan's Bar and Grill in Walnut Creek, said he is thankful the City Council decided to allow a continuation of smoking in taverns.

"Those modifications are going to help us retain some of our business," he said. "I'm sure we're going to have some disgruntled guests, but the effects won't be as dramatic as they would have been."

For others, the effect may not be dramatic enough. Ron Beagley, a councilman who introduced the ordinance, said he believes bars and cocktail lounges soon may also be forced to forbid smoking if secondhand smoke persistently leaks into dining areas.

"The age of passivity for nonsmokers is over," he declared. "If the Marlboro Man isn't dead, he's on his deathbed."