



**SMOKING POLICY
GENERAL ORDER #15.01**

Adopted: 07/07/2010
Replaces: G.O. #15.01 dated 4/15/08

Updated: 02/22/2010
Reviewed: 02/22/2010

POLICY

Smoking is discouraged and is only authorized in areas designated by ordinance and this Order.

PROCEDURE

A. DEFINITIONS

1. "Smoking," for the purposes of this Order, means and includes the combustion of any lighted pipe, or lighted cigar or lighted cigarette of any kind or the lighting of a pipe, cigar or a cigarette of any kind, or any similar article or any other combustible substance in any manner or in any form.
2. "Enclosed" means closed in by a roof and four walls with appropriate openings for ingress and egress.

B. This smoking policy is established and enforceable in accordance with section B13-79 et. seq., of the Ordinance Code of Santa Clara County.

C. Members of the Sheriff's Office shall not smoke or use any form of tobacco, including smokeless, on duty while conducting interviews or under any circumstances where smoking may be detrimental to good conduct, appearance, or procedure. Members assigned to desk duty shall not use tobacco while conversing or transacting business in person with the public.

D. Smoking is prohibited within any enclosed structure owned or leased by Santa Clara County, wherever located, and in all enclosed public places within Santa Clara County, except:

1. Private residences, except when used as a child care facility, health care facility, or community care facility.
2. Hotel rooms rented to guests, except meeting and banquet facilities.
3. Retail stores that deal exclusively (other than insignificant sales) in the sale of tobacco and smoking paraphernalia.
4. An enclosed place of employment that is not accessible to the public, which employs only the owner and no other employee (unless it shares a ventilation system with another enclosed place or public place).
5. Any portion of a place of employment that is not enclosed.

These exceptions do not apply if the owner or person in control of the property establishes more stringent prohibitions against smoking.

E. Specific rules for Sheriff's Office personnel.

1. A private residence is not a "public place". A deputy may not smoke inside a private residence without first obtaining permission from all persons present who may be offended by smoke.
2. In any dispute arising under the smoking policy, the rights of the "non-smoker" shall be given precedence over those of the smoker.
3. In a fresh air or open-air environment, the employee who smokes should accommodate non smokers by creating a space of some distance to avoid a conflict.
4. Smoking is not permitted in County vehicles.



LAURIE SMITH
SHERIFF