

ORDINANCE NO. 7,804-N.S.

AMENDING BERKELEY MUNICIPAL CODE CHAPTER 12.70 SMOKING POLLUTION CONTROL

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Subsection 12.70.031 is amended to read as follows:

12.70.031 Smoking Medical Cannabis at Cannabis Retailers

Notwithstanding anything to the contrary in this Chapter, the inhalation of medical cannabis through the use of an electronic smoking device inside a Cannabis Retailer and on the public right of way within 50 feet of such a Cannabis Retailer, is not prohibited by this Chapter.

Section 2. That Berkeley Municipal Code Subsection 12.70.050.A.1 is amended to read as follows:

12.70.050 Where Smoking is not Regulated

A. This chapter is not intended to regulate smoking in the following places and under the following conditions within the City:

1. Tobacco in retail tobacco stores and cannabis in State-permitted Storefront Cannabis Retailers within a Designated Smoking Room in compliance with the Environmental Health Division's Lounge Operating Standards and except as stated in Section 12.70.031;
2. Private residences, which may serve as a place of employment except when used as a childcare or health care facility and except as stated in Sections 12.70.035 and 12.70.037.

B. Notwithstanding any other provision of this section, any owner, operator, manager, or other person who controls a business or other establishment may declare that entire establishment as a nonsmoking establishment.

Section 3. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on March 22, 2022, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Hahn, Harrison, Kesarwani, Robinson, Taplin, Wengraf, and Arreguin.

Noes: None.

Absent: Droste.