



# Sacramento City Council

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## COUNCIL COMMITTEE ON LAW & LEGISLATION

TERRY KASTANIS  
CHAIRMAN  
DOUGLAS N. POPE  
DAVID M. SHORE  
WILLIAM A. SMALLMAN

## MINUTES OF LAW AND LEGISLATION COMMITTEE

May 22, 1986

The meeting was called to order at 4:07 p.m. by Chairman Terry Kastanis. Also present were Councilmen Dave Shore and William Smallman. Doug Pope was absent.

The only item on the agenda was the matter of AB 4085 regarding smoking on school campuses. Sgt. Jeffrey Gibson of the Sacramento Police Department was present to answer questions about this bill.

Jim Jackson, City Attorney, stated that this is a bill that would prohibit a school district from allowing smoking on school campuses and make grounds for suspension as a punishment for smoking. Jim stated that he sent letters to three school districts: Grant, Sacramento City Unified, and Elk Grove. He said he contacted these districts by telephone, as he had not received any communication from them. Grant supports the bill, and has already adopted a regulation, becoming effective next year, banning smoking on campus. Elk Grove also has a policy of no smoking on campus. Sacramento City allows smoking on campus. Jim spoke to the superintendent, who said that they support the bill and oppose smoking on campus. The superintendent stated that they had sent us a letter to that effect.

Terry Kastanis said he had talked with the principal of Burbank High School, J. L. Handy, who stated that he doesn't support the bill. Mr. Handy said that students follow role models (teachers), and he feels it is hypocritical to say that students cannot smoke when the teachers can. Mr. Handy also said parents often give kids money to buy cigarettes. Burbank High has designated a 2' x 5' area away from the rest of the school activities, which is hopefully a deterrent to smoking. Mr. Handy feels that if smoking is prohibited on campus, students will smoke in lavatories and other illegal places. The school district will not support this bill because the district must then provide more teachers or staff to enforce this prohibition. Terry feels that the City Attorney's office heard from the superintendents, not the principals in the schools themselves, who are on the firing line every day.

Sgt. Gibson said that he uses the same arguments as those mentioned, but that parents are violating the law by giving children cigarettes. He said that Chief Kearns believes we should enforce

the law or do away with it altogether. Wherever we have children congregating, we should do whatever we can to discourage breaking the law.

Dave Shore asked whether it was illegal to smoke cigarettes or to buy cigarettes. Sgt. Gibson said it is against the law to give, sell or provide cigarettes to minors. He said that a kid who pulls a cigarette out of his pocket and gives it to another kid is committing an infraction.

Dave Shore wanted to know how practical it is for someone to go around enforcing this law, and would it be difficult. He stated that schools would also be giving up local options with this bill.

Sgt. Gibson said that the most important area is the one of the role model. He didn't think that the role models at Burbank High School are the standard.

Terry Kastanis wanted to know how serious the marijuana issue was relating to cigarettes. Sgt. Gibson said he had no statistics, but that there is a direct correlation between smoking cigarettes and the use of other drugs. "It seems logical: A person who isn't going to foul his lungs with cigarettes is less likely to smoke marijuana."

Bill Smallman stated: "You make a law and you can't enforce it. This is worse than not making it at all. How do you enforce the law once you make it?" Sgt. Gibson responded by saying that the penalty attached to smoking on the school ground is not a criminal punishment, but is suspension or expulsion by the school. Terry Kastanis said that the enforcement aspect of this bill rests with the school. "How are you, Mr. Principal, going to enforce this law?" Bill Smallman said that this problem of enforcement was why he wanted letters from each school.

Dave Shore wanted to know if there are any studies showing a correlation between smoking areas and an increase in smoking. He wanted to know whether, if there are no smoking areas, the number of persons not starting to smoke was lowered.

Bill Smallman asked what the policy was at junior colleges. Terry Kastanis stated that at his school there are designated areas for smoking.

Dave Shore asked whether this bill included any provisions for chewing tobacco. Sgt. Gibson said the bill included all tobacco products, and read a portion of the bill covering chewing tobacco.

Jim Jackson made a telephone call to the Sacramento Unified School District, and came back to report that the Assistant Super-

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intendent, Adolphus McGee, reported that the high school principals in the City Unified School District support this bill and that he felt it was not right to teach good health and then allow smoking.

Dave Shore moved, Bill Smallman seconded, and it was unanimously agreed to support AB 4085 prohibiting smoking on school campuses. It was noted that it is not necessary to bring this matter to the full Council.

The meeting was adjourned at 4:28 p.m.

jmv