



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

Code:  Section:

[Up^](#) [Add To My Favorites](#)

**HEALTH AND SAFETY CODE - HSC**

**DIVISION 104. ENVIRONMENTAL HEALTH [106500 - 119406]** ( *Division 104 added by Stats. 1995, Ch. 415, Sec. 6. )*

**PART 15. MISCELLANEOUS REQUIREMENTS [118375 - 119406]** ( *Part 15 added by Stats. 1995, Ch. 415, Sec. 6. )*

**CHAPTER 4. Indoor Air Quality [118875 - 118950]** ( *Chapter 4 added by Stats. 1995, Ch. 415, Sec. 6. )*

**ARTICLE 2. Smoking in Private and Public Transportation [118920 - 118945]** ( *Article 2 added by Stats. 1995, Ch. 415, Sec. 6. )*

**118920.** (a) The Legislature hereby finds and declares that the United States Surgeon General's 1986 Report on the Health Consequences of Involuntary Smoking conclude all of the following:

- (1) Involuntary smoking is a cause of disease, including lung cancer, in healthy nonsmokers.
- (2) The children of parents who smoke compared with the children of nonsmoking parents have an increased frequency of respiratory infections, increased respiratory symptoms, and slightly smaller rates of increase in lung function as the lungs mature.
- (3) The simple separation of smokers and nonsmokers within the same air space may reduce, but does not eliminate, the exposure of nonsmokers to environmental tobacco smoke.

(b) The Legislature further finds and declares the following:

- (1) Nonsmokers have no adequate means to protect themselves from the damage inflicted upon them when they involuntarily inhale tobacco smoke.
- (2) Regulation of smoking in public places is necessary to protect the health, safety, welfare, comfort, and environment of nonsmokers.

(c) It is, therefore, the intent of the Legislature, in enacting this article, to eliminate smoking on public transportation vehicles.

(*Added by Stats. 1995, Ch. 415, Sec. 6. Effective January 1, 1996.*)

**118925.** (a) (1) It is unlawful for any person to smoke a tobacco product in any vehicle of a passenger stage corporation, the National Railroad Passenger Corporation (Amtrak) except to the extent permitted by federal law, in any aircraft except to the extent permitted by federal law, on a public transportation system, as defined by Section 99211 of the Public Utilities Code, or in any vehicle of an entity receiving any transit assistance from the state.

(2) (A) For purposes of this subdivision, "smoke" has the same meaning as in subdivision (c) of Section 22950.5 of the Business and Professions Code.

(B) For purposes of this subdivision, "tobacco product" means a product or device as defined in subdivision (d) of Section 22950.5 of the Business and Professions Code.

(b) It is unlawful for any person to smoke any plant product other than a tobacco product in any vehicle of a passenger stage corporation, the National Railroad Passenger Corporation (Amtrak) except to the extent permitted by federal law, in any aircraft except to the extent permitted by federal law, on a public transportation system, as defined by Section 99211 of the Public Utilities Code, or in any vehicle of an entity receiving any transit assistance from the state.

(*Amended by Stats. 2016, 2nd Ex. Sess., Ch. 7, Sec. 19. (SB 5 2x) Effective June 9, 2016.*)

**118930.** A notice prohibiting smoking, displayed as a symbol and in English, shall be posted in each vehicle or aircraft subject to this article.

(*Added by Stats. 1995, Ch. 415, Sec. 6. Effective January 1, 1996.*)

**118935.** (a) Every person and public agency providing transportation services for compensation, including, but not limited to, the National Railroad Passenger Corporation (Amtrak) to the extent permitted by federal law, passenger stage corporations, and local agencies that own or operate airports, shall designate and post, by signs of sufficient number and posted in locations that may be readily seen by persons within the area, a contiguous area of not less than 75 percent of any area made available by the person or public agency as a waiting room for these passengers where the smoking of tobacco is prohibited. Not more than 25 percent of any given area may be set aside for smokers.

(b) Every person or public agency subject to subdivision (a) shall also post, by sign of sufficient number and posted in locations as to be readily seen by persons within the area of any building where tickets, tokens, or other evidences that a fare has been paid for transportation services that are provided by the person or public agency, a notice that the smoking of tobacco by persons waiting in line to purchase the tickets, tokens, or other evidences that a fare has been paid is prohibited.

(c) It is unlawful for any person to smoke in an area posted pursuant to this section.

*(Added by Stats. 1995, Ch. 415, Sec. 6. Effective January 1, 1996.)*

**118940.** This article does not preempt any local ordinance on the same subject where a local ordinance is more restrictive to the benefit of the nonsmoker.

*(Added by Stats. 1995, Ch. 415, Sec. 6. Effective January 1, 1996.)*

**118945.** Any violation of this article is an infraction punishable by a fine not exceeding one hundred dollars (\$100) for a first violation, by a fine not exceeding two hundred dollars (\$200) for a second violation within one year, or by a fine not exceeding five hundred dollars (\$500) for a third and for each subsequent violation within one year.

*(Added by Stats. 1995, Ch. 415, Sec. 6. Effective January 1, 1996.)*