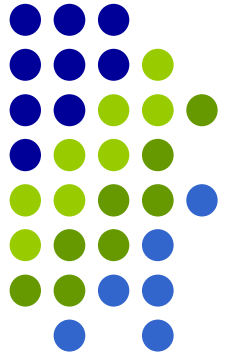


# Summary of Smoking Ordinances for Various Locales

Ad Hoc Committee  
November 24, 2008



# APPENDIX A

## SMOKING ORDINANCE COMPARISON CHART (TEXAS CITIES)

Cities	Restaurants	Outdoor Dining Patios	Bars	Entrances/Exits	Bingo Parlors	Billiard Halls	Bowling Centers
<b>Austin</b>	Prohibited	Allowed, but not within 15 feet of entrance or openable window	Prohibited	Prohibited within 15 feet of entrance or openable window of regulated facility	Allowed with air filtration equipment; must provide enclosed non-smoking area; minors not allowed in smoking areas	Prohibited	Prohibited
<b>Dallas</b>	Prohibited	Allowed unless adjacent to playground or play area for children	Allowed if: 75% of sales from alcohol; not generally accessible by a minor; designated smoking areas cannot include the entire facility; facility does not open into a hotel or motel	Allowed	Prohibited	Allowed if facility does not open into regulated facility; not accessible by minors	Prohibited
<b>El Paso</b>	Prohibited	Allowed	Prohibited	Not Addressed	Prohibited	Prohibited	Prohibited
<b>San Antonio</b>	Prohibited except for enclosed bar areas; enclosed dining areas and outdoor seating areas designated as smoking and not accessible to minors	Allowed if designated as smoking with proper signage	Allowed if stand-alone bars	Allowed	Allowed if food sales less than 10%; minors not allowed	Allowed if food sales less than 10%; minors not allowed	Prohibited
<b>Arlington</b>	Prohibited	Prohibited within 50 feet of entrances or openable window of regulated facility	Allowed if no one under the age of 18 is employed and if the area does not open into a food establishment, hotel, motel, or other prohibited place.	Prohibited within 50 feet of entrances or openable window of regulated facility	Allowed if no one under the age of 18 is employed and if the area does not open into a food establishment, hotel, motel, or other prohibited place.	Allowed if no one under the age of 18 is employed and if the area does not open into a food establishment, hotel, motel, or other prohibited place.	Allowed if no one under the age of 18 is employed and if the area does not open into a food establishment, hotel, motel, or other prohibited place.

# APPENDIX A

## SMOKING ORDINANCE COMPARISON CHART (TEXAS CITIES)

(Cont'd)



Cities	Retail Tobacco	Office Buildings	Private Clubs	Rented Facilities	Cigar Bars	Theatrical Productions
<b>Austin</b>	Allowed	Allowed if issued a restricted permit by the city before ordinance effective date -- otherwise prohibited	Allowed if facility operated by a fraternal organization for a charitable, benevolent or educational function	Allowed up to 25% of smoking rooms in hotel or motel	Not Addressed	Prohibited
<b>Dallas</b>	Allowed if 90% of sales from tobacco products; does not open into regulated facility	Require employers to have written nonsmoking policy and can designate nonsmoking areas with proper ventilation	Prohibited	Allowed in designated smoking rooms in hotel or motel	Not Addressed	Not Addressed
<b>El Paso</b>	Allowed in stand-alone facilities	Prohibited	Allowed	Allowed except while contracted food or beverage service functions are taking place. Allowed up to 25% of smoking rooms in hotel or motel	Not Addressed	Prohibited
<b>San Antonio</b>	Allowed if smoke cannot infiltrate into non-smoking areas	Prohibited	Private functions / Allowed if smoke cannot infiltrate into non smoking area	Allowed if smoke cannot infiltrate into non-smoking areas	Not Addressed	Prohibited
<b>Arlington</b>	Not Addressed in Ordinance; however it is prohibited in retail establishments.	Allowed in designated areas of the workplace	Allowed at the determination of the owner - in designated areas	Not Addressed in Ordinance	Not Addressed	Prohibited

# APPENDIX A SMOKING ORDINANCE COMPARISON CHART

Cities	Restaurants	Outdoor Dining Patios	Bars	Entrances/ Exits	Bingo Parlors	Billiard Halls	Bowling Center
<b>Houston</b>	Prohibited	Allowed	Prohibited	Prohibited within 25 ft outside entrance. Not applicable to bars	Prohibited	Prohibited	Prohibited
<b>Plano</b>	Prohibited	Allowed if not within 25Ft of main entrance	Prohibited	Prohibited within 25 ft of entrance or exit	Prohibited	Prohibited	Prohibited
<b>Fort Worth</b>	Prohibited	Allowed if not within 20 feet of main entrance	Allowed in bar that derives 70% or more of the establishment's revenue from the sale of alcohol for on premise consumption. Not allowed in restaurants bars.	Prohibited within 20 ft of entrance or operable window of regulated facility	Allow if no one under age of 18 and has enclosed designated no smoking area	Not Addressed	Prohibited
<b>Richardson</b>	Prohibited	Allowed	Allowed in bar that derives 70% or more of the establishment's revenue from the sale of alcohol for on premise consumption. Separate HVAC . Business producing 50% - 70% income from alcohol sales can provide a smoking area if no commingling of air	Prohibited within 25 ft of entrances or operable window of regulated facility	Prohibited	Prohibited	Prohibited
<b>Abilene</b>	Prohibited	Prohibited within 20 feet of entrance	Prohibited	Prohibited within 20 feet of main entrance	Prohibited	Prohibited	Prohibited

# APPENDIX A SMOKING ORDINANCE COMPARISON CHART (Cont'd)



Cities	Retail Tobacco	Office Buildings	Private Clubs	Rented Facilities	Cigar Bars	In Theatrical Productions	Fines/To Whom
<b>Houston</b>	Allowed if smoke does not infiltrate into prohibited areas and that no on premise consumption of alcohol is permitted	Prohibited	Not Addressed	Allowed in no more than 35% of rooms. Require signage. Allowed in private meeting rooms separate from rest of facility	Allowed in tobacco bars in operation before 9/1/2006; with air ventilation and purification with health insurance to employees	Allowed if smoking is a part of performance	Fine up to \$2000 Fines to the Owner or Patron
<b>Plano</b>	Not Prohibited in stand alone physical facilities	Prohibited	Not Addressed	Hotels and motels including at least 90% of rooms are non-smoking	Not Addressed	Allowed	Fine up to \$500 Fines to the Owner or Patron
<b>Fort Worth</b>	Not Prohibited in stand alone physical facilities	Prohibited Except designated smoking areas	Allowed as long as used by member	Hotels and motels including at least 75% of rooms are non-smoking	Not Addressed	Allowed if smoking is a part of performance	\$500 Fine to the person violating the ordinance
<b>Richardson</b>	Not Prohibited in stand alone physical facilities	Prohibited in areas used by the general public in all businesses	Not Addressed in ordinance	Not Addressed in ordinance	Not Addressed	Allowed if part of story	\$500 Fine to the Owner, Operator or Patron
<b>Abilene</b>	Allowed if stand along facility and no alcohol is consumed on premise	Prohibited	Allowed if has no employees, except when the general public is invited	No more than 20% of the rooms may be allow as smoking	Not Addressed	Prohibited but allowed if part of story	Up to \$500 Fine to the Owner Manager, Employee or Patron

## APPENDIX B

### MUNICIPALITY SMOKING REGULATED AREAS (NATIONWIDE)

Cities	Building Entrance	Ash Trays In Non-Smoking Areas	Work Place Smoking	Parks As Public Place Regulated	Sidewalks As Public Place Regulated	Cigar Bars	In Theatrical Productions	Fines/To Whom
<b>Atlanta</b>	Not Regulated	Not Addressed	Designated indoor areas	Allowed unless Safety conditions prohibited	Allowed unless Safety conditions prohibited	Not Addressed	Not Addressed	\$100-\$500 Fine to the Person Smoking
<b>Phoenix</b>	Not Regulated	Not Regulated	Designated indoor o.k. with written policy	Not Regulated	Not Regulated	Not Addressed	Prohibited	\$100 -\$500 to Patron, up to \$5000 for the operator
<b>Toronto Ontario, Canada</b>	Not Regulated, except schools	Must be removed	Prohibited in enclosed area	Not Regulated	Not Regulated	Not Addressed	Not Addressed	\$1000 to Patron No Maximum for Corporation
<b>Minneapolis</b>	Not Regulated	Must be removed	Prohibited	Not Regulated	Not Regulated	Not Addressed	Allowed part of story/ Notice	\$200- 1 <sup>st</sup> Offense  2 <sup>cd</sup> + Offense Double up to \$2000
<b>St. Paul</b>	Not Regulated	Must be removed	Prohibited	Not Regulated	Not Regulated	Not Addressed	Allowed part of story/ Notice	Maximum extent allowed by state law
<b>Tacoma</b>	25 Ft.	Not Addressed	Prohibited	Not Regulated	Not Regulated	Not Addressed	Not Addressed	Fine up to \$100 to the Owner or Patron If sign is removed or destroyed up to \$100

## APPENDIX B

# MUNICIPALITY SMOKING REGULATED AREAS (NATIONWIDE) (Cont'd)

Cities	Building Entrance	Ash Trays In Non-Smoking Areas	Work Place Smoking	Parks As Public Place Regulated	Sidewalks As Public Place Regulated	Cigar Bars	In Theatrical Productions	Fines
<b>Cincinnati</b>	Not Regulated	Prohibited	Prohibited	Not Regulated	Not Regulated	Not Addressed	Not Addressed	1 <sup>st</sup> Offense –Warning, 2 <sup>nd</sup> \$100, 3 <sup>rd</sup> \$500, 4 <sup>th</sup> \$1000 5 <sup>th</sup> + \$2500 Fine to Owner, Corporation or Person In Charge
<b>Boston</b>	Not Regulated	Not Addressed	Smoking Prohibited	Not Addressed	Not Addressed	Allowed	Prohibited	1 <sup>st</sup> Offense \$100, 2 <sup>nd</sup> \$500, 3 <sup>rd</sup> + \$1000, Fine to Manager, Owner, or Person In Charge
<b>New York City</b>	Not Addressed	Prohibited	Prohibited	Not Addressed	Not Addressed	Allowed If before 12/31/2002 not changed size or owner	Tobacco Promotional events Allowed	Fine not to exceed \$2000 for each Offence
<b>Oregon</b>	10 Ft.	Not Addressed	Prohibited	Not Addressed	Not Addressed	Allowed cigar only	Not Addressed	Up to \$500 per day \$2000 in 30 day period Fine to employer
<b>California Statewide</b>	Not Addressed	Not Addressed	Prohibited	Not Addressed	Not Addressed	Allowed	Allowed if part of story	\$100 1 <sup>st</sup> Offense, \$200 2 <sup>nd</sup> , 3 <sup>rd</sup> \$500 plus \$81-\$324 Fine to Employer or Patron
<b>San Diego</b>	Not Addressed	Prohibited	Prohibited	Not Addressed	Not Addressed	Allowed	Allowed if part of story	\$10 -\$50 Fine to the Patron Smoking
<b>Los Angeles</b>	Not Addressed	Not Addressed	Prohibited	Not Addressed	Not Addressed	Allowed	Allowed if part of story	(Same As State)
<b>New Jersey</b>	Not Addressed	Not Addressed	Prohibited	Not Addressed	Not Addressed	Allowed	Not Addressed	1 <sup>st</sup> Offense \$250, 2 <sup>nd</sup> \$500, 3 <sup>rd</sup> + \$1000, Fine to Patron

# APPENDIX C

<b>MISCELLANEOUS SMOKING REGULATIONS BY CITIES</b>		
<b>CITIES</b>		
		<b>SIDEWALKS</b>
<b>Boston</b>	Regulated	Not allowed wharfs, waterfronts, docks unless designated and approved by Head of Fire Department
<b>San Diego</b>	Regulated	Not allowed parks and beaches unless designated and approved area
<b>Malibu, Long Beach</b>	Regulated	Not allowed at parks and beaches unless designated and approved area