



OCCUPATIONAL & ENVIRONMENTAL HEALTH

**SMOKE FREE ORDINANCE GENERAL REQUIREMENTS**

[San Francisco Health Code (SFHC), Article 19F]

**Smoking is prohibited in buildings and enclosed structures, and certain unenclosed areas and no exceptions apply.** (SFHC, Article 19F, Section 1009.22(a)).

**All business and property owners or managers are required to comply with the following requirements** (SFHC, Article 19F, Section 1009.22(i)):

- Post a clear and prominent sign at each entrance to the premises no higher than 8 feet and no lower than 5 feet; and within 10 feet of the door or most appropriate place for visibility from outside:

The building entrance sign must include all of the following in letters no less than one half inch in height, the text should read:

**"Smoking only 1) at the curb, or 2) if no curb, at least 15 ft. from exits, entrances, operable windows, and vents"**

The international "No Smoking" symbol, consisting of a pictorial representation of a burning cigarette enclosed in a circle, with a diameter of at least three inches, with a bar across it.

A statement at the bottom of the sign that reads "SF Health Code Article 19F" in font no less than 1/8 inch in height.



*NOTE: Free building entryway signs may be available from DPH Tobacco Free Project. Please contact (415) 581-2448 and provide your name, mailing address, telephone or cell number, and the number of signs requested (up to 5 signs can be requested).*

- Remove any ashtray or ash receptacles from inside the premise.
- Post clear and prominent "no smoking" signs in any area on the premises where smoking is prohibited.
- Request any patron to refrain from smoking in prohibited areas when appropriate. An owner or manager of multiple-unit housing complexes with less than 16 units does not need to request a tenant from smoking unless the owner or manager observes the violation.



PLEASE TURN OVER

### **Additional Requirements for Multiple Unit Housing Complexes**

- When a written complaint is received from a tenant or DPH, post a notice for at least 10 days in the lobby, common mailbox area, or common elevator.
- When the manager or owner is provided with the identify of the tenant who was observed smoking in a prohibited area, in addition to posting the notice, the manager or owner must request the tenant in writing to refrain from smoking within prohibited areas.
- Maintain a record of all written requests issued to tenants for a reasonable period of time.

*[NOTE: Pursuant to Section 1009.22(j), violation of any part of the San Francisco Health Code, Article 19F is not grounds for evicting residential tenants. Furthermore, pursuant to Section 1009.22(k), if a property owner or manager complies with Article 19F, smoking prohibitions within multiple unit housing complexes will not qualify for a rent reduction for substantial reduction in housing services under San Francisco Administrative Code, Chapter 37.]*

Failure to comply may result in enforcement action. Enforcement activities may include, but are not limited to, issuance of a notice of violation or citation, administrative penalties of up to five hundred dollars (\$500.00) per citation, costs and fees recovery, suspension or revocation of DPH permit(s), if applicable, or a referral to the City Attorney's Office.

### **SMOKING PROHIBITION APPLICABILITY**

SFHC Article 19F prohibits smoking in the **enclosed** common areas or structures (e.g., elevators, hallways, internal stairways, restrooms, conference and meeting rooms, eating and break rooms, etc.) within these types of facilities:

- Buildings and vehicles owned or leased by City and County of San Francisco
- Buildings in which the business of any governmental body or agency is conducted, including hearing rooms, courtrooms, polling places or other places of public assembly
- Health facilities, including but not limited to, hospitals, nursing or long-term care facilities including those located in private homes, doctors' and dentists' offices, inpatient and outpatient treatment areas, etc.
- Business establishments (e.g., all retail and wholesale stores, firms, clubs, any businesses located within a building containing dwelling units, pet care facilities, properties containing commercial tenants, etc.)
- Enclosed common areas of multiple-unit housing complexes with 2 or more dwelling units, including but not limited to, private apartment buildings, residential hotels, SF Housing Authority buildings, HUD housing, senior housing, condominiums, nursing homes, group housing, and boarding rooms *[NOTE: Smoking is permitted (1) 10 feet away from a door or window in an outdoor common area; and (2) within private units as long as door to unit is closed at all times while smoking is occurring]*
- Nonprofit establishments except Medical Cannabis Dispensaries with valid permits issued by DPH under SFHC, Article 33
- Educational facilities, aquariums, galleries, libraries, and museums
- Childcare facilities except when located in private homes
- Facilities used for exhibiting motion pictures, drama, dance, musical performances, lectures, or other entertainment
- Convention facilities
- Restaurants
- Bars and taverns, except for (1) historically compliant semi-enclosed smoking rooms that received DPH exemption approval; or (2) the portion of an outdoor patio at least 10 feet away from the entry, exit, or operable window of the bar or tavern
- Tourist Lodging Facilities (i.e. retail facilities with 6 or more guest rooms or suites intended or designed to be used, rented, or hired out to guest intending to occupy the room for less than 32 consecutive days)
- Homeless shelters and services
- Tobacco shops except those with DPH exemption approval
- Charity bingo games

SFHC Article 19F prohibits smoking in certain **unenclosed** common

- Outdoor dining areas
- Service waiting lines (i.e. any area designed to be or regularly used by the public to receive or wait for a service, enter a public place, or make a transaction, such as, banking lines, ticket lines, athletic event lines, public transit stops and shelters, cab stands, etc.)
- Sports arenas with exceptions
- Farmers Markets whether on public or private properties