

**SMOKE FREE ORDINANCE GENERAL REQUIREMENTS**

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

**Smoking is prohibited in buildings and enclosed structures, and certain unenclosed areas without exceptions.**

**All business and property owners or managers are required to comply with the following requirements:**

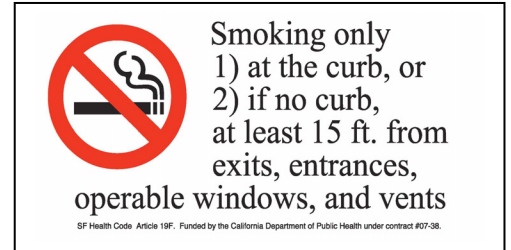
- Post a clear and prominent sign at each entrance to the premise no higher than 8 feet and no lower than 5 feet; and within 10 feet of the door or most appropriate place for visibility from outside:

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.



- Remove any ashtray or ash receptacles from inside the premise.
- Post at least one (1) general "No Smoking" sign in a common enclosed area and outdoor or sidewalk dining area.
- May post additional "No Smoking" signs in any other area(s) where smoking is prohibited (e.g., exit doors, vents, loading docks; other enclosed areas like shared bathrooms, laundry, recreation, or dining rooms; car port or garages with ceilings; on individual outdoor or sidewalk dining tables, etc.),

- Request any patron, resident, client, or staff to refrain from smoking in prohibited areas when appropriate.

**Additional Requirements for Multiple Unit Housing Complexes (MUHC)**

In addition to the requirements stated above, MUHC owners or managers must also comply with the following:

- When a property owner or manager receives a written complaint, post a notice for at least 10 days in the elevator, lobby, or mailbox area;
- When a property manager, owner, or staff observes smoking in a prohibited area, in addition to posting the 10-day notice, the manager or owner must issue a written notice requesting the resident to the refrain from smoking within prohibited areas; and
- Maintain a copy of the notice to the resident for at least 1 year.

*[NOTE: Pursuant to Section 1009.22(j), violation of any part of the SFHC 19F is not grounds for evicting residents. 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 or substantial reduction in housing services under San Francisco Administrative Code, Chapter 37.]*

## **SMOKING PROHIBITION APPLICABILITY**

“Smoking” or “to smoke” means and includes inhaling, exhaling, burning or carrying any lighted smoking equipment for tobacco or any plant or other weed. (SFHC 19F Section 1009.21(s)).

Smoking of products that are not tobacco, plant or other weed, such as steaming stones, is not prohibited.

Smoking is prohibited 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) except up to 25% of the rooms may be designated as smoking rooms
- Homeless shelters and services
- Tobacco shops except those with DPH exemption approval
- Charity bingo games

Smoking is prohibited in certain **unenclosed** common areas as follows:

- Outdoor and sidewalk 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

## **Building Entry Way Sign Verification**

Environmental Health staff verify that building entry way signs are posted during compliance inspections.

## **Complaints**

If patrons or staff are observed smoking inside businesses or at outdoor or sidewalk dining area; or if residents are observed smoking inside shared common areas, a complaint may be filed as follows:

- 311 (inside San Francisco) or (415) 701-2311 (outside San Francisco area code); or
- Environmental Health at EnvHealth.DPH@sfdph.org

All other complaints should be directed to the business or property owner or manager.