



Smoking Prohibition Enforcement Alert

Attention All Restaurants, Bars, Night Clubs, Lounges, and Hookah Business Operators

On September 27, 1996, the State of California passed a law that prohibited smoking in all enclosed places of employment including restaurants and bars (California Labor Code § 6404.5).

The City and County of San Francisco also passed a similar law, Article 19F San Francisco Health Code (SFHC 19F), in 1994 and amended this law on March 25, 2010 to prohibit smoking of any tobacco products, plants, or other weeds in all restaurants, bars, lounges, and outdoor dining areas even when food is no longer served in the dining areas (SFHC 19F §§ 1009.21(s); 1009.22(a)).

Except as follows:

- For Businesses that operate only as a bar or tavern at all times and have a side or rear outdoor patio, smoking is allowed in the side or rear outdoor patio portion of the bar except within 10 feet of doors, windows, or vents of the bar. (SFHC 19F §§ 1009.21(m), 1009.22(a) (14)).

Outdoor dining areas of restaurants, including sidewalk dining tables, are not considered outdoor patios even if food is no longer being served or if a bar is located outside. Smoking is not permitted in all outdoor dining areas (SFHC 19F § 1009.21(m)).

- For Bar or Tavern Operators that have received approved DPH exemptions (SFHC 19F §§ 1009.21(a) (14); 1009.23(c) or (d)). Exemption applications for DPH approval expired July 31, 2010. DPH does not have authority to issue exemption approvals for applications submitted after July 31, 2010. For Businesses without an exemption approval from DPH, smoking is not allowed in any enclosed areas of the business.

There are no other exemptions in SFHC 19F.

If your business is affected as described above, you are to immediately cease and desist all smoking activities that violate SFHC 19F. Failure to comply may result in enforcement action against the Business Operator and/or Property Owner including, but not limited to, penalties, cost recovery, suspension or revocation of Environmental Health permit(s), or referral to City Attorney's Office.

For more information about SFHC 19F, please contact Senior Inspector Janine Young, Secondhand Smoke Ordinance Compliance and Enforcement Program Coordinator, at (415) 252-3903.

For complaints about businesses violating SFHC 19F, please call 311 (within San Francisco) or (415) 701-2311 (outside San Francisco).