

Sampling of Smoking Ban Ordinances

	Summary of Ban	Enforcement Agency	Time Frame to inform Establishments	Regular Inspections/ Complaints	Fine/Penalty Civil/Criminal Establishments/People	# of Complaints/ # of Establishments
<p>Duluth Source: City Administrator and Police Lieutenant in charge of enforcement</p>	<p>The current ordinance prohibits smoking in restaurants and most public spaces. Bars, defined as any facility with a liquor license and limited menu, allow smoking. Bars that are physically separated from an attached restaurant by walls and with separate ventilation systems can have smoking. The ordinance is currently under review and most likely will be amended to a total smoking ban, no exceptions.</p>	<p>Police Department – 1 Police Officer (Licensing Officer)</p>	<p>30 days</p>	<p>Complaints only.</p>	<p>Up to \$700 Civil Fine Establishments only</p>	<p>20 complaints, 6 tickets, 14 warnings Unknown.</p>
<p>Olmsted County Source: Director, Olmsted County Environmental Health</p>	<p>Effective January 1, 2002. Ban follows a 50/50 formula – any establishment (this includes bowling alleys, private clubs, etc) with liquor sales over 50% is considered a “bar” and allows smoking, any establishment with liquor sales under 50% is considered a “restaurant” and is non-smoking. Restaurants with bars must be physically separated and have a separate ventilation system to allow smoking. Restaurant bars then given a separate license with charge of \$196. 86% of establishments are smoke free. There are 44 establishments where smoking is allowed.</p> <p>Smoking ban in kitchen and dining areas only of multi-purpose facilities. Gives the Rochester City Council authority to grant smoking exemptions to convention center for events. No current plans to amend ordinance.</p>	<p>Environmental Health. Distributed among 3 FTE’s on top of current work load. Environmental Health in Olmsted County licenses bars and restaurants. These inspectors are responsible for smoking enforcement.</p>	<p>30 days, although the County spent one year with 30 public hearings developing the ordinance</p> <p>Each restaurant and bar were visited before ban for education.</p>	<p>Complaints only.</p>	<p>Petty Misdemeanor according to state law Civil Fine Establishments and People – establishments are subject to penalty if they do not take action to discourage smoking (ashtrays, failing to ask smokers to stop, etc). People are subject to “disorderly conduct” fines if caught smoking.</p>	<p>3 Complaints in 2003 272 Establishments The County has never issued a fine due to this ordinance.</p>
<p>Madison, WI Source: Director, Madison Health Department</p>	<p>Currently, no smoking in bars and restaurants that have alcohol sales of 50% and less. A separately ventilated area (solid walls that totally separate a smoking area) in a restaurant or bar is an exception to this ban. Can smoke in facilities with alcohol sales over 51%. There are 122 establishments where smoking is allowed. This will change on July 1, 2005 when a total no smoking ban will take effect. Madison already had a smoking ban in the work place and many other common public areas.</p>	<p>Health Department. Distributed among 8 FTE’s with 1 FTE dedicated full time to enforcement.</p>	<p>Current ban was effective immediately upon passage. Total ban, which will be in effect as of July 1, 2005, has been publicized for over a year.</p>	<p>Complaints and annual inspections for no smoking signage, ashtrays and other smoking-related items.</p>	<p>\$125 first offense, \$500 second and subsequent offenses. Citations issued after 3rd complaint. Civil Fine Establishments, although effective July 1, 2005 people can also be fined.</p>	<p>Average 16 per week (832 annual), includes not just people caught smoking but, also, improper signage, ashtrays, etc. 800 Establishments</p>

<p>St. Paul (proposed) Source: License Director</p>	<p>The proposed ordinance prohibits smoking in all restaurants, pool halls, bowling centers, and all licensed liquor establishments, and</p> <ul style="list-style-type: none"> • Establishments must post "no smoking" signage in conformance with the MN Clean Indoor Air Act Rules • Proprietors must ensure that ashtrays, lighters, and matchbooks are not provided • Establishment must inform any smoker of the prohibition, and then eject that person from the premises if the smoker refuses to comply. 	<p>Anticipated that the Police Department will enforce although the PD has not yet committed to this.</p> <p>The Inspections and Environmental Protection (LIEP) department rejected enforcement responsibilities citing overtime budgetary issues.</p>	<p>Unknown</p>	<p>Complaints only.</p>	<p>\$300 for the first violation, and a \$1,000 fine for each day of violation thereafter</p> <p>Civil Fine</p> <p>Establishments only</p>	<p>Undetermined at this time.</p>
<p>New York City Source: Supervisor, Health Department</p>	<p>The current ordinance prohibits smoking in most public spaces. They have a waiver process but the Administrator stated that process was cumbersome and confusing.</p>	<p>Center for Environmental Health</p>	<p>6 - 8 month education period</p>	<p>Complaints only.</p>	<p>\$100-\$1000</p> <p>Civil Fine</p> <p>Establishments only</p> <p>Larger fine given if establishment is "participating" in smoking (i.e. bartender or waiter smoking on premises).</p>	<p>Exact Numbers not available.</p> <p>Complaints high the first two months then tapered off.</p>
<p>Boston, MA Source: Supervisor, Public Health Commission</p>	<p>The current ordinance prohibits smoking in all businesses that have employees. This is a total ban with no waivers or exceptions. Campaign: "Clean Air Works."</p>	<p>Public Health Commission</p> <p>Hired 4 part-time temporary staff for 6 months for 3 months education and 3 months enforcement.</p>	<p>6 months for education with a \$92,000 education budget</p>	<p>Regular Inspections and Complaints.</p> <p>Each restaurant and bar were visited before ban for education.</p>	<p>\$100-\$1000</p> <p>Civil Fine</p> <p>Establishments only</p>	<p>First month 50 than an average of 15 each month after (180 annually).</p> <p>1,900 locations</p>