



Did you know that San Franciscans are protected by many Tobacco Control Laws?

Revised 3/31/10

PROTECTION FROM SECONDHAND SMOKE

- 1. Smoke-free Workplaces, Restaurants & Bars:** CA Labor Code 6404.05, adopted 1994, bar provision in 1998. *This State law prohibits smoking in enclosed workplaces, restaurants and bars. Restaurants and bars must post No-Smoking signs and remove ashtrays. SF Health Code 19F amended 3/10. No smoking where food is served in outdoor dining areas of restaurants, cafes and coffee shops. No smoking in all bars. Owner operated bars in commercial buildings and semi enclosed smoking rooms in existence prior to 12/31/09 may be grandfathered in with approval from Department of Public Health. Owner operated bars in mixed use buildings have until April 2012 to relocate to commercial building. For more information call (415) 581-2400. Enforcement: Department of Public Health, San Francisco.*
- 2. Smoke-free Playgrounds and Tot Lots:** CA Health and Safety Code Section 104495/AB 188. Adopted 01/01/02 *This State Law prohibits the smoking of tobacco products within 25 feet of a playground or tot lot sandbox area. It also prohibits the disposal of tobacco-related waste (cigarette butts) in these areas. Enforcement: Department of Recreation and Park Patrol (415) 753-7015*
- 3. Smoke-free Entrances:** SF Health Code Article 19F amended 3/10. *Smoking permitted only at curb of commercial, multi unit residential and mixed use building entrances, exits, operable windows and vents. If there is no curb, no smoking within 15 feet of the curb. California Government Code Sections 7596-7598 adopted in 01/01/04 This State Law prohibits smoking within 20 feet of main entrances, exits and operable windows of city, county and state buildings. For more information call (415) 581-2400.*
- 4. Smoke-free Parks:** SF Health Code Article 19I, adopted 02/04/05 *This ordinance bans smoking in unenclosed areas under the jurisdiction of the City, including parks, squares, gardens, sport or playing fields. Enforcement: Department of Recreation and Park Patrol (415) 753-7015*
- 5. Smoke-free Public Transit Stops:** SF Health Code Amended Section 1009.22, adopted 04/10/2006 *This ordinance bans smoking at public transit stops and shelters. For information call (415) 581-2400.*
- 6. Smoke-free Public Golf Courses:** SF Health Code Amended Section 1009.81, adopted 05/19/2006 *This ordinance bans smoking on public golf courses. For information call (415) 753-7015.*
- 7. Smoke-free Cars:** CA Health & Safety Code Sections 118947-118949 effective January 2008. *This state law bans smoking or possessing a lighted pipe, cigar, or cigarette containing tobacco in any motor vehicle in which there is a minor under 18 years old, regardless of whether the vehicle is in motion or at rest.*
- 8. Smoke-free Taxis:** SF Health Code, Sec.1009.22 (c) adopted 12.16/2008. *This ordinance bans smoking in taxicabs and other motor vehicles for hire.*
- 9. Smoke-free Charity Bingo Games.** SF Health Code Article 19F amended 3/10. *No smoking during charity bingo games. For more information call (415) 581-2400. Enforcement: Department of Public Health, San Francisco.*
- 10. Smoke-free Service Waiting Lines.** SF Health Code Article 19F amended 3/10. *No smoking within designated areas where customers are required to wait to do business including at ATMs, in ticket lines, movie theater lines, athletic event lines, concert event lines and at cab stands.*
- 11. Smoke-free Tobacco Shops.** SF Health Code Article 19F amended 3/10. *No smoking in tobacco shops except tobacco shops in existence as of 12/31/09 may be grandfathered in with the exception of tobacco shops in mixed use/residential buildings. For more information call (415) 581-2008. Enforcement: Department of Public Health, San Francisco*
- 12. Smoke-free Farmers Markets.** SF Health Code Article 19F amended 3/10. *No smoking at all farmers markets.*
- 13. Smoke-free Common Areas of Multi-Unit Residences.** SF Health Code Article 19F amended 3/10. *No smoking in enclosed common areas of multi unit residences including common halls, elevators, parking areas, lobbies, waiting areas, bathrooms, cooking, dining, lounge, laundry facilities and recreation areas. Tenant smoking in their private unit must keep front door of their private unit closed while smoking. For more information call (415) 581-2400. Enforcement: Department of Public Health, San Francisco*

SMOKELESS TOBACCO

- 1. Tobacco Free Park and Recreation Athletic Fields:** adopted 3/17/2005 *The Recreation and Park Commission adopted a resolution to include a ban on the use of any tobacco product by youth or adult volunteers or members of the public participating in any Department of Recreation and Park permitted league. For information call (415) 581 -2400*

TOBACCO PROMOTION AND SPONSORSHIP

- 1. Ban on Tobacco Advertising on City & County Property:** SF Admin. Code Ch.4, Sec. 4.20, adopted 1992
This ordinance bans tobacco advertising and placement of names of tobacco companies or tobacco products on City & County property. For information call (415) 581-2400.
- 2. Ban on Tobacco Promotional Items in San Francisco Schools:** adopted 1999
The San Francisco Unified School District's Dress Code prohibits the wearing and carrying of tobacco promotional items in the schools. For information call: (415) 581-2400.
- 3. Ban on Tobacco Companies Sponsoring Youth Sports Leagues Directly or Indirectly:** adopted Mar 2005
The Recreation and Park Commission adopted a resolution to include this ban as a provision in any athletic field permit issued by the Recreation and Park Department. For information call: (415) 581-200
- 4. Ban on Tobacco Product and Accessory Giveaways** including bars and nightclubs. See # 7 under Tobacco
Availability for more information.

TOBACCO AVAILABILITY

- 1. Tobacco Free Pharmacies:** SF Health Article 19J, adopted 8/07/2008
This ordinance prohibits tobacco sales at pharmacies with the exception of pharmacies inside General Grocery Stores and Big Box stores. For information call (415) 581-2400
- 2. Tobacco Free City & County Property:** Health Code, Article 19K, adopted 11/07/2008
This ordinance bans tobacco sales on City & County property. For more information call (415) 581 2448.
- 3. Requirement of Permit for Tobacco Sales:** Health Code, Article 19H, adopted 11/07/2003
This ordinance requires that anyone who engages in or allows tobacco sales obtain a valid permit from the Department of Public Health. Permits must be renewed annually and permitted establishments must comply with tobacco control laws listed in 4a-b as well as the California Smoke-Free Workplace Law to maintain their permit. Enforcement: Department of Public Health (415) 252-3800.
- 4. a) Self-Service Display Ban:** Police Code, Section 4600.3, adopted 11/27/96.
This San Francisco Ordinance prohibits the self-service display of tobacco products except in places to which minors have no access. A self-service display is a rack, shelf or kiosk that holds tobacco products such as cigarettes or containers of chewing tobacco that the public has access to without a clerk's help. For more information call (415) 581-2448. Enforcement: Department of Public Health (415) 252-3800
b) Self-Service Display Ban: California Business & Professions Code, Section 22962/SB757 (STAKE Act)
This statewide law prohibits the sale or display of cigarettes through a self-service display. Enforcement: Food & Drug Branch, California Dept. of Health Services, 1-800-5ASK4iD
- 5. Ban on Cigarette Vending Machines:** SF Municipal Code, Sections 109, 1009.1 & 1009.2, adopted 01/24/97.
This San Francisco ordinance bans cigarette vending machines in the city and county of San Francisco including vending machines located in places where minors are not permitted by law such as bars. For more information call (415) 581-2448. Enforcement: Department of Public Health (415) 252-3800
- 6. Illegal Sale of Tobacco to Minors:** State of California, Penal Code 308, passed in 1891.
PC 308a is a state law that prohibits retailers from selling tobacco products to persons under 18 years of age. This includes the sale of cigarette papers and paraphernalia that is designed for the use of tobacco or any controlled substance. Enforcement of 308a: call (415) 970-3062 *To report sales to minors call: 1-800-527-5443*
- 7. a) Free Distribution of Tobacco Products:** Police Code Section 95, adopted 06/29/88
This San Francisco ordinance makes it illegal to give away free samples of tobacco products in public areas. This includes coupons or other materials that can be turned in for free tobacco products. Amended on 12/16/2008 to include tobacco accessories in any place open to the public including bars and nightclubs. Enforcement: District Police Station
b) Ban on Free Distribution of Tobacco Products: California Health and Safety Code, Section 118950/SB757
This State Law prohibits the distribution of free or low-cost tobacco products, coupons, coupon offers, and rebate offers on public grounds, and on private grounds that are open to the public. Enforcement: San Francisco Police Department (415) 970-3062
- 8. Ban on sales of single cigarettes:** Penal Code Sec. 308.2, adopted 1991
It is illegal to sell one or more cigarettes except in the manufacturer's package, sealed and properly labeled under federal labeling requirements. For more information call (415) 581-2400. Enforcement: San Francisco Police Department (415) 970-0362
- 9. Restrictions regarding the sale of "Bidi" cigarettes:** CA Penal Code Section 308.1/SB322, adopted 01/01/02
Prohibits the sale, distribution, or importation of "Bidis" with the exception of businesses where minors are not permitted by law. Enforcement: San Francisco Police Department (415) 970-3062
- 10. Minimum Package Size:** California Penal Code, Section 308.3, adopted 01/01/02
This State law states that cigarettes may not be manufactured, distributed, sold, or offered for sale in packages of less than 20 cigarettes. Roll-your-own tobacco may not be manufactured, distributed, sold or offered for sale in a package containing less than 0.60 ounces of tobacco. Enforcement: San Francisco Police Department (415) 970-3062