

SIGNS

11. Are signs needed for public places where smoking is prohibited?

Yes. "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly and conspicuously posted in every public place and place of employment where smoking is prohibited.

Every public place and place of employment where smoking is prohibited by this chapter shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.



12. Are signs needed for public places where smoking is allowed?

Yes. Areas which are exempt shall post a standard sign at each entrance, to be designated by the city informing potential patrons that the area allows smoking, and warning patrons of the negative health effects associated with secondhand smoke. The warning statement should read:

Tobacco smoke causes cancer, heart and lung disease, and can harm your baby.

13. Where can I obtain required signage?

Metro Health will provide basic cardstock signage for a reasonable charge. More permanent signage can be purchased commercially.

ENFORCEMENT

14. How will complaints be handled and who enforces the ordinance?

- The San Antonio Metropolitan Health District, in addition to any authority having jurisdiction to enforce city ordinances, shall have authority to enforce the provisions of this chapter.
- Any citizen who desires to register a complaint under this chapter may initiate enforcement with the San Antonio Metropolitan Health District.
- The San Antonio Metropolitan Health District, Fire Department, or their designees shall, while an establishment is undergoing otherwise mandated inspections, inspect for compliance with this chapter.
- An owner, manager, operator, or employee of an establishment regulated by this chapter shall inform persons violating this chapter of the appropriate provisions thereof.
- Notwithstanding any other provision of this chapter, an employee or private citizen may bring legal action to enforce this chapter.



Our Mission

Provide leadership and services for San Antonio and Bexar County to prevent illness and injury, promote healthy behaviors, and protect against health hazards.

This brochure is provided to give a general summary of information regarding the City of San Antonio's smoking ordinance. For more detailed information please review the complete smoking ordinance at:

<http://library.municode.com/index.aspx?clientId=11508&stateId=43&stateName=Texas>, then click Chapter 36 Smoking.

You may also contact the San Antonio Metropolitan Health District with any questions you may have regarding the ordinance at 210-207-8780.



San Antonio Smoking Ordinance Chapter 36

WHAT YOU NEED TO KNOW AS A BUSINESS OWNER

EFFECTIVE DATE
AUGUST 19, 2011

San Antonio
Metropolitan Health District
332 W. Commerce
San Antonio, Texas 78205
Phone: (210)-207-8780

Website:
www.sanantonio.gov/health/smoking

Version 1.0
Created March 2011

General Information Question and Answers

1. What is the effective date of this ordinance?

The effective date is August 19, 2011.

2. Where is smoking prohibited?

After the effective date, smoking will be prohibited in all enclosed public places within the city of San Antonio, including but not limited to the following places: aquariums, galleries, libraries, and museums, areas available to and customarily used by the general public in businesses and non-profit entities patronized by the public, bars, billiard halls, bingo facilities, comedy clubs, convention facilities, elevators, facilities primarily used for exhibiting a motion picture, stage, drama, lecture, musical recital, or other similar performance; gaming facilities; childcare and adult day care facilities; lobbies, hallways, and other common areas; polling places, public transportation facilities, restaurants, restrooms and other common-use areas, retail stores; places of meeting or public assembly, shopping mall and sports arenas, including enclosed areas in outdoor arenas

3. What is a public place?

Public place means an enclosed area to which the public is invited or in which the public is permitted. A private residence is not a “public place” unless it is used as a child care, adult day care, or health care facility.

Examples include, but are not limited to: banks, bars, bingo facilities, educational facilities, gaming facilities, healthcare facilities, hotels and motels, laundromats, public transportation facilities, restaurants, shopping malls, sports arenas, theaters, and waiting rooms.

4. Are private businesses and places of employment regulated by the smoking ordinance?

Yes. Smoking will be prohibited in all enclosed areas within places of employment. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, employee lounges, restrooms, and all other enclosed areas.

5. As an owner of a business, what must I do to comply with the law?

Employers must inform and educate their existing employees about the prohibitions on smoking and the requirements of the City’s smoking ordinance by August 19, 2011, and all prospective employees upon their application for employment.

All ashtrays and other smoking paraphernalia shall be removed from any area where smoking is prohibited by the owner, operator, manager, or other person having control of the areas.

Every public place and place of employment where smoking is prohibited by this chapter shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.

An owner, manager, operator, or employee of an establishment regulated by this chapter shall inform persons violating the smoking ordinance of the appropriate provisions thereof.

Post signage as required.

6. Where is smoking prohibited outdoors?

Smoking is prohibited in the following outdoor places: San Antonio Zoo facilities and grounds; in all outdoor sports arenas, stadiums, and amphitheaters; within 20 feet of all outdoor public transportation stations, platforms, and shelters under the authority of the city; and in all pavilions and playgrounds located with city-owned parks.

7. Can I declare my establishment as nonsmoking?

Yes. Notwithstanding any other provision of this chapter, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a nonsmoking place.

8. What are the penalties for violation of the smoking ordinance?

Any person, firm, corporation, agent, employer or employee who intentionally, knowingly or recklessly violates any provision of this chapter shall, upon conviction, be fined an amount not more than two hundred dollars (\$200.00); provided, however, that in

the event a defendant has previously been convicted under this chapter, such defendant shall be fined an amount not more than five hundred dollars (\$500.00) for a second conviction hereunder, and shall be fined an amount not more than two thousand dollars (\$2,000.00) for a third conviction hereunder and for each conviction thereafter. Each day that a violation is committed or permitted to exist shall constitute a separate offense.

EXCEPTIONS

9. Are there exceptions for certain public places where smoking may be allowed? Yes.

- Hotel and motel rooms that are rented to guests and are designated as smoking rooms;
- Outdoor areas except those listed specifically in Question 6;
- Outdoor seating areas of restaurants designated as smoking areas in accordance with the ordinance;
- Private clubs (non-profit, fraternal organizations in existence as of the effective date of this chapter including Veterans of Foreign War (VFW) posts;
- Private residences, except when used as a licensed childcare, adult day care, or health care facility;
- Retail tobacco stores; provided, however, that smoke from these places does not infiltrate into areas where smoking is prohibited under the provisions of this chapter; and
- Tobacco product manufacturing facilities.

10. Are smoking permits required for my business?

The City of San Antonio does not issue any type of “smoking permit”. Permits are not required for those areas exempt and not regulated.