

## **Title 9 – Health and Safety**

### **Chapter 9.50 – Public and Workplace Smoking Restrictions**

#### **Frequently Asked Questions**

**Q: When did the Smoke Free Ordinance pass?**

A: The revisions to the Public and Workplace Smoking Restrictions were approved by City Council on June 17, 2014.

**Q: When do the revisions take place?**

A: The revisions are being phased in as follows:

- September 1, 2014 – Electronic cigarettes and other electronic smoking devices are prohibited in the same places as traditional cigarettes and smoking of any kind is not allowed within 20 feet of entrances to public places.
- January 1, 2015 – Smoking of any kind is prohibited in City-owned enclosed and outdoor facilities to include sports arenas, stadiums, parks and playgrounds. Smoking is also prohibited within 20 feet of the entrances to all outdoor public transportation stations, platforms, and shelters under the authority of the City.
- July 1, 2015 – Retail tobacco stores must be in isolated or contained physical facilities or have isolated venting and air controls.

**Q: Are there any exceptions to smoking in public places?**

A: Yes. Smoking is allowed in the following:

- No more than 25% of hotel and motel rooms rented to guests
- Retail tobacco stores and smoking establishments in isolated or contained physical facilities or with isolated venting and air controls
- Outdoor areas designated as smoking areas by the City Manager or designee for certain city facilities
- Designated areas at the El Paso International Airport

**Q: What is the definition of smoking?**

A: The ordinance defines smoking as “inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, e-cigarette, e-hookah, weed, plant or combustible substance in any manner or in any form, including any device that allows for combustion or conduction of a product for the purpose of inhaling smoke or vapor.”

**Q: What is the definition of e-cigarette or e-hookah?**

A: The ordinance defines e-cigarette or e-hookah as “any electronic oral device or nicotine delivery device, such as one composed of a heating element, battery, and/or electronic circuit, which provides a vapor of nicotine or any other substance, and the use or inhalation of which simulates smoking.” The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, hookah pen, or under any other product name or description.

**Q: Who do I call if I see someone smoking in a public place where smoking is prohibited?**

A: Dial 3-1-1 to report a non-emergency incident and they will assign it to the appropriate City department.

**Q: What are the fines for smoking violations?**

A: The fine for the first violation will not exceed \$100.00

The fine for another violation within one year of the first will not exceed \$200.00

The fine for a third violation within one year of the second violation will not exceed \$500.00

**Q: What is my responsibility as an owner or manager?**

A: Employers are responsible for the following:

- Provide a smoke-free workplace for all employees
- Post a sign at each entrance where smoking is prohibited. The sign shall have bold lettering of not less than one inch in height or the international no smoking symbol.

- The owner may declare that the entire establishment, facility, or outdoor area as a nonsmoking place by placing a sign stating such.

**Q: Where can I get a no smoking sign?**

A: The Department of Public Health has a limited number of new decals that state no smoking of regular and electronic cigarettes and state that there is no smoking within 20 feet of the entrance. Call 771-5768 to request a decal (available on a first come first serve basis). You may also download and print the sign from our website: [www.EPHealth.com](http://www.EPHealth.com)

**Q: Where is the best place to post the no-smoking sign in my establishment?**

A: The best place to post the no-smoking sign is on the door or window of the establishment entrance where it will be visible to the public entering or standing near the entrance.