

sentence offenders to at least one hour of cleaning up litter. Signs must be posted by the Department of Transportation notifying the public of the statutory

provisions. Reference Dates 1941 and 1957. UTAH CODE ANN. Sections 41-6-114(e), 41-6-114.1 & 41-6-114.2 (1981).

Vermont

Limitations on Smoking in Public Places

- Smoking is prohibited in mills, factories, barns, stables, or other outbuildings belonging to another person and in public buildings in which the person in control has posted no-smoking signs. One who violates this section is subject to a fine up to \$5. Reference Date 1892. VT. STAT. ANN. Title 20, Section 2752 (1968).
- Each employer shall establish a smoking policy in places of employment. Reference Date 1971. VT. STAT. ANN. Title 18, Chapter 28 subch. 2 (Supp. 1987).

Regulation of Sale to and Use of Tobacco Products by Minors

- Furnishing cigars, snuff, or tobacco in any form to one under 17 years of age is prohibited without the written consent of the minor's parent or guardian. Maximum fine is \$20. The person who controls a place where tobacco is sold is required to post a copy of Section 1308 provided by the Secretary of State. Failure to post the copy is punishable by a fine up to \$5. Reference Dates 1888 and 1900. VT. STAT. ANN. Title 13, Sections 1308 & 1309 (1974).

Schools and School Health Education

- A minimum course of study includes instruction about the health and societal effects of tobacco and is required to

be taught in public and approved private schools, as well as in home study programs. Reference Date 1969. VT. STAT. ANN. Title 16, Section 906 (Supp. 1984).

Commerce

- Minors under 16 years of age are not to be employed in a tobacco manufacturing plant, except that minors over 14 years enrolled in vocational studies may be so employed provided the Commissioner of Labor and Industry has inspected and approved the safety of the workplace. Reference Date 1910. VT. STAT. ANN. Title 21, Sections 437 & 438 (1978).
- Each wholesale dealer and distributor of tobacco products must obtain a license from the Vermont Commissioner of Taxes. Reference Date 1959. VT. STAT. ANN. Title 32, Section 7731 (1981).

Taxation

- The tax rate per pack is 17¢ and was last changed in 1983. The Tobacco Institute, *The Tax Burden on Tobacco: Historical Compilation, 1986*, vol. 21, p. 9.
- The exemption for cigarettes from the sales and use tax is repealed, making sales of cigarettes subject to that tax. Reference Date 1969. VT. STAT. ANN. Title 32, Sections 5965, 5967, 5968, 5970, 9741 & 9744 (Supp. 1986).

Virginia

Regulations of Sale to and Use of Tobacco Products by Minors

- The sale of tobacco products to minors under 16 years of age is prohibited. This provision does not apply to cigarettes sold in vending machines where a notice is posted. Reference Date 1986. VA. CODE Section 18.2-371.2 (Supp. 1987).

Commerce

- The Cigarette Sales Below Wholesale Cost Act is repealed. This bill amended VA. CODE Sections 59.1-285 to 59.1-293 which was later repealed by Act 1986 Ch. 424.

- Any person who transports or distributes cigarettes within the State of Virginia must obtain a permit from the Department of Taxation. Reference Date 1950. VA. CODE Section 58.1-1014 (1984).

Taxation

- The tax rate per pack is 2.5¢ and was last changed in 1966. The Tobacco Institute, *The Tax Burden on Tobacco: Historical Compilation, 1986*, vol. 21, p. 9.

Health and Safety Regulations

- Smoking is prohibited in food-producing workrooms. Violation by a person, business, or corporation is punish-

able by a fine of between \$25 and \$300. Reference Date 1950. VA. CODE Sections 3.1-379 & 3.1-381 (1983).

- Discarding lighted smoking material from a vehicle in or near forest land, brushland, or fields is prohibited. Violation of this section is punishable by a fine between \$10 and \$100 or imprisonment for up to 30 days for each separate offense or both. Violation leading to causing a fire can also create liability for costs of fighting the fire. Reference Dates 1919 and 1954. VA. CODE Sections 10-64.1 & 10-67 (1978).

- When it is determined that a fire hazard exists, smoking is prohibited within 300 feet of forest lands, brushlands, or fields. This section is punishable by a fine between \$10 and \$500, imprisonment for up to 30 days, or both for each separate offense. Reference Date 1954. VA. CODE Sections 27-54.1 & 27-54.4 (1985).

- Smoking is prohibited around mines near flammable or combustible materials. Smoking or carrying smokers' articles is prohibited in or near oil houses, explosive magazines and other hazardous mine areas. Reference Date 1950. VA. CODE Sections 45.1-39(c), 45.1-44(j) & 45.1-98(a) (1980).

Washington

Limitations on Smoking in Public Places

- Smoking is prohibited in public places, except in designated smoking areas. Public place means that portion of any building or vehicle used by and open to the public, regardless of whether the building or vehicle is owned in whole or in part by private entities, the State of Washington or other public entity. Public places include, but are not limited to, elevators, public conveyances or transportation facilities, museums, concert halls, theaters, exhibition halls, indoor sports arenas, hospitals, nursing homes, health care facilities or clinics, enclosed shopping centers, retail stores, retail service establishments, financial institutions, educational facilities, ticket areas, public hearing facilities, state legislative chambers and immediately adjacent hallways, public restrooms, libraries, restaurants, waiting areas, lobbies, reception areas, and office workplaces. Intentional violations of Washington's Clean Indoor Air Act are punishable by fines up to \$100. Reference Date 1985. WASH. REV. CODE ANN. Sections 70.160.010 to 70.160.100 & 70.160.900 (West Supp. 1988).
- Unlawful bus conduct, a misdemeanor, includes smoking or carrying lighted smoking materials on municipal transit vehicles if the person knows that such conduct is prohibited and is likely to cause harm to others. Reference Date 1984. WASH. REV. CODE ANN. Section 9.91.025 (Supp. 1985).

Regulation of Sale to and Use of Tobacco Products by Minors

- Furnishing cigars, cigarettes, cigarette papers, wrappers, or tobacco in any form to one under 18 years of age constitutes a gross misdemeanor, and it is no defense that the person violating this provision believed that the minor was an agent for another. Reference Date 1971. WASH. REV. CODE ANN. Section 26.28.080 (Supp. 1985).

Commerce

- No person shall engage in the business of a distributor or subjobber of tobacco products without receiving a certificate of registration from the state. Reference Date 1961. WASH. REV. CODE ANN. Section 82.26.050 (1981).
- Changes have been made to the regulation of the cigarette industry to eliminate predatory cigarette pricing. Reference Date 1957. WASH. REV. CODE ANN. Sections 19.91.010, 19.91.300, 82.24.500 & 82.24.510 to 82.24.560 (West Supp. 1988).

Taxation

- The tax rate per pack is 31¢ and was last changed in 1986. The Tobacco Institute, *The Tax Burden on Tobacco: Historical Compilation, 1986*, vol. 21, p. 9.
- The cigarette tax statutes are consolidated into one chapter. In addition, various tax rates and surtax rates on cigarettes have been consolidated. Reference Date 1961. WASH. REV. CODE ANN. Sections 82.24.020, 82.24.060, 82.24.265 & 82.32.270 (West Supp. 1988).
- Cigarette tax enforcement procedures and policies are provided. Reference Date 1961. WASH. REV. CODE ANN. Sections 82.24.110, 82.24.130, 82.24.135 & 82.24.145 (West Supp. 1988).
- An additional tax of 4 mills per cigarette and an additional tax of 16 3/4 percent of the wholesale price of tobacco products have been levied. The moneys collected will go into the water quality account. Reference Date 1986. WASH. REV. CODE ANN. Sections 70.146.010 to 70.146.080 & 70.146.900, 82.24.027 and 82.32.390 (West Supp. 1988).

Health and Safety Regulations

- During closed season, any person who starts a fire in forest, brush, range, or grain areas by throwing away lighted smoking materials and who fails to extinguish the fire immediately may be fined from \$25 to \$100 or imprisoned for up to two months upon conviction. One who willfully tampers with posted warning notices may also be punished in the same manner. Smoking in forest or brush areas during closed season except in areas free of inflammable materials is prohibited. Every conveyance operated in flammable areas must contain a smoking materials disposal receptacle and must have a copy of the no-smoking provision posted. Operators of saw mills

and logging camps must also post notices. Violation of the no-smoking notice and provisions constitutes a misdemeanor. Reference Date 1911. WASH. REV. CODE ANN. Sections 76.04.210 & 76.04.300 (1962).

- Carrying lighted pipes within five feet of mine explosives is prohibited unless explosives are in a closed receptacle. Reference Date 1917. WASH. REV. CODE ANN. Sections 78.40.473 & 78.40.675 (1962).
- Smokers' articles are prohibited in mines. Reference Date 1917. WASH. REV. CODE ANN. Section 78.40.699 (1962).

West Virginia

Limitations on Smoking in Public Places

- Anyone who has lighted smoking materials or who lights smoking materials after entering a factory, business establishment, mill, or workshop where no-smoking notices are posted commits a misdemeanor, punishable by a fine of \$20 to \$100 for each violation. Reference Date 1919. W.VA. CODE Section 21-3-8 (1981).
- All owners or other persons responsible for the operation of any vehicles operated for the public transportation of eight or more persons must post no-smoking signs conspicuously in the vehicles. Smoking is prohibited in any vehicle in which a no-smoking sign is posted. Violation of this section constitutes a misdemeanor punishable by a fine of not less than \$20 nor more than \$100. Reference Date 1985. W.VA. CODE Section 8-27-10a (Supp. 1987).

\$1 to \$5 for each offense. Reference Date 1913. W.VA. CODE Sections 16-9-7 to 16.9A-4 (Supp. 1987).

Regulation of Advertising Practices

- Any outdoor billboard advertisement for snuff and chewing tobacco products must display one of three health warnings. Reference Date 1891. W.VA. CODE Section 16-9A-5 (Supp. 1987).

Commerce

- Manufacturing tobacco in one's home is prohibited. The State Commissioner of Labor is charged with enforcement of industrial homework provisions. Violation constitutes a misdemeanor, and permits may be suspended or revoked. Reference Date 1939. W.VA. CODE Sections 21-7-1 to 21-7-11 (1981).

Taxation

- The tax rate per pack is 17¢ and was last changed in 1978. The Tobacco Institute, *The Tax Burden on Tobacco: Historical Compilation, 1986*, vol. 21, p. 9.

Health and Safety Regulations

- Discarding lighted smoking materials on forest land, private roads, highways, and railroad right-of-ways is prohibited. Violation constitutes a misdemeanor. Reference Date 1929. W.VA. CODE Section 20-3-6 (1981).
- Smoking in and around coal mine surface structures is restricted to areas where it will not cause a fire or explosion. Reference Date 1958. W.VA. CODE Section 22-2-53 (1981).
- Smoking and smokers' articles are prohibited in coal mines. The mine operator must conduct frequent searches of those entering or already in the mine. Reference Date 1887. W.VA. CODE Section 22-2-57(b) (1981).

Regulation of Sale to and Use of Tobacco Products by Minors

- Selling, giving or furnishing cigars, cigarettes, cigarette papers, or tobacco in any form to one under 18 years of age is prohibited and is punishable by a fine between \$10 and \$25 for the first violation, and between \$25 and \$300 for each subsequent violation. Reference Date 1891. W.VA. CODE Sections 16-9A-1 to 16-9A-5 (Supp. 1987).
- Smoking or possession of cigarettes, cigarette papers or any other form prepared to be filled with smoking tobacco for cigarette use by one under 18 years of age is prohibited, and is punishable by a fine up to \$5, provided that the minor is immune from prosecution if he discloses the person, firm or corporation who provided the cigarettes. Reference Date 1913. W.VA. CODE Section 16-9-5 (1985).

Schools and School Health Education

- Smoking cigarettes on school grounds or in school buildings is prohibited. Violation is punishable by a fine of from

Wisconsin

Limitations on Smoking in Public Places

- Wisconsin's Clean Indoor Air Act prohibits smoking in public conveyances, educational facilities, inpatient health care facilities, indoor theatres, offices, public passenger elevators, restaurants, retail stores, public waiting rooms, and public buildings. Exceptions include smoking areas designated by posted notices, offices occupied exclusively by smokers, rooms used for private functions under the sponsor's control, restaurants where the liquor sales account for more than 50 percent of the receipts or where the seating capacity is less than 50 persons, privately owned offices, prisons, and manufacturing plants. If the person in control of a building willfully fails to comply with provisions regulating designating and posting notices of smoking areas on or after April 1, 1985, a \$25 forfeiture may be levied. After July 1, affected parties or government officials may sue to enjoin repeated violations. Reference Date 1983. WIS. STAT. ANN. Section 101.123 (West Supp. 1984).

Schools and School Health Education

- All elementary and secondary schools are required to provide education regarding tobacco as part of the Department of Education's critical health care education program. Reference Date 1977. WIS. STAT. ANN. Section 115.35(1) (West Supp. 1984).

Commerce

- It is unlawful for a person to manufacture cigarettes in Wisconsin or sell cigarettes in Wisconsin as a distributor, jobber, vending machine operator, or multiple retailer without first obtaining the proper permit to perform such operations from the Department of Justice. Reference Date 1965. WIS. STAT. ANN. Section 139.34 (West 1974).

- The retail cigarette license in Milwaukee is good for one year. Reference Date 1897. WIS. STAT. ANN. Section 134.65 (West Supp. 1987).

Taxation

- The tax rate per pack is 30¢ and was last changed in 1987. The Tobacco Institute, "Cigarette Tax Data," 1987.
- Several technical and minor policy changes in regard to beverages, fuel, alcohol, and tobacco products taxes have been made. It is illegal to possess untaxed tobacco products. Reference Date 1953. WIS. STAT. ANN. Sections 78.40 to 139.86 (West Supp. 1987).

Health and Safety Regulations

- Any person who, by smoking or attempting to light or smoke tobacco products, negligently sets fire "to any bedding, furniture, curtains, drapes, house or any household fittings" or any part of the public abode is subject to a fine between \$50 and \$250, or imprisonment between 10 days and six months or both, together with court costs. Notices to this effect must be posted in each sleeping room. Reference Date 1947. WIS. STAT. ANN. Section 50.58 (West Supp. 1984).
- Ventilation requirements for public buildings and work places that establish the mandatory minimum quantities of outside air to be supplied to indoor areas may not be waived by the Labor Department unless smoking is prohibited and the owner demonstrates that the air quality is equivalent to that provided by outside air. The Department is responsible for enforcing compliance. Reference Date 1980. WIS. STAT. ANN. Section 101.025 (West Supp. 1984).
- Cigars are not to be manufactured in shops located below ground floors. Reference Date 1899. WIS. STAT. ANN. Section 167.22 (West 1974).

Wyoming

Commerce

- Every wholesaler who sells or offers to sell cigarettes in the State of Wyoming must have a license to do so. Reference Date 1951. WYO. STAT. Section 39-6-102 (1985).

Taxation

- The tax rate per pack is 8¢ and was last changed in 1967. The Tobacco Institute, *The Tax Burden on Tobacco: Historical Compilation*, 1986, vol. 21, p. 9.

Health and Safety Regulations

- Discarding "a burning substance" from a vehicle is punishable by imprisonment up to six months or a fine up to \$750 or both. Reference Date 1982. WYO. STAT. Section 6-3-107 (1983).
- Smoking around mine surface flammables storage areas is restricted to places where a fire or explosion will not be caused. Reference Date 1903. WYO. STAT. Section 30-2-602 (1983).

LOCAL ORDINANCES AND REGULATIONS

In addition to the National focus on smoking and health issues, State and city legislatures are increasing efforts to implement their own regulations. Twenty cities with the highest population count were examined for local ordinances covering issues on smoking and health. The cities were (in alphabetical order by city): Baltimore, Maryland; Boston, Massachusetts; Chicago, Illinois; Columbus, Ohio; Dallas, Texas; Detroit, Michigan; Houston, Texas; Indianapolis, Indiana; Jacksonville, Florida; Los Angeles, California; Memphis, Tennessee; Milwaukee, Wisconsin; New York, New York; Philadelphia, Pennsylvania; Phoenix, Arizona; San Antonio, Texas; San Diego, California; San Francisco, California; San Jose, California; and Washington, D.C.

Due to the magnitude and complexity of tracking local ordinances and regulations, and the mechanisms each municipality uses to codify legislation, this compilation represents a sampling of local legislative efforts. State laws may exist pertaining to issues on smoking and health; however, this compilation only reflects local ordinances and regulations on the city records through January 1988.¹ The ordinances and regulations have been categorized into the following five topic areas: Smoking in Public Places; Smoking Regulations in the Workplace; Public Safety Regulations; Municipal Tobacco Taxation; and Regulation of Cigarette Sales to Minors.

I. Smoking in Public Places

Baltimore, Maryland

Smoking on streetcars, trackless trolleys, or buses is a misdemeanor punishable by a \$10 maximum fine (Baltimore, MD., Code Article 19, Section 142 (1983), Ord. No. 169 (1945)).

Boston, Massachusetts

Smoking is restricted in public buildings and in public places (City of Boston Code, Ordinances, Title 2, Section 362 (1980)). Regulations pertaining to smoking include such places as: theaters, public halls, special halls, miscellaneous halls, places of assembly, public buildings, schools, colleges, universities, factories, workshops, mercantile establishments, wharves, docks, warehouses, and passenger and freight elevators (Boston Fire Prevention Code, Ordinances, Chapter 28, Article 30, Sections 30.01 to 30.06 (1979)). Fines for violation are not less than \$10 nor greater than \$50.

Chicago, Illinois

It is a misdemeanor to smoke on any public conveyance holding more than seven passengers (Chicago, IL., Code Section 193-7.10 (1955)). It is illegal to smoke on any public elevator, and in retail stores employing more than 15 persons (excluding food areas, waiting rooms, restrooms, executive offices, beauty parlors, and areas where merchandise is not exposed), (Chicago, IL., Code Section 193-7.9 (1948)). Smoking is prohibited in theaters, churches, and schools (Chicago, IL., Code Sections 90-91(a)-(g) (1980)).

Columbus, Ohio

Smoking is prohibited in retail stores (Columbus, OH., Code Section 18.1, Ord. No. 237-48), theaters, halls, and auditoriums (Columbus, OH., Code Section 1016 (1919), Ord. No. 22240 (1919)).

Dallas, Texas

Smoking is prohibited in transit system vehicles, public elevators, conference and meeting rooms, city buildings (excluding Love Field, Convention Center, and Reunion Arena), hospital rooms, libraries, museums, posted areas, nonsmoking areas of restaurants seating 50 persons or more (excluding bars), retail stores, theaters, and primary and secondary schools (Dallas, TX., Ord. No. 18961 (1985)). Fines for violation range from \$25 to \$250.

Detroit, Michigan

Smoking is prohibited in elevators (Detroit, MI., Code Section 19-3-96, Ord. No. 314-H (1979)).

Houston, Texas

Smoking is prohibited in public places (Houston, TX., Code Section 21-237(a)). Public places include, but are not limited to: vehicles of public transportation (such as trains, buses, and ferries), elevators, governmental facilities, gymnasiums, concert halls, auditoriums, health care facilities (including hospitals, nursing homes, doctors' offices, dentists' offices, and laboratories), libraries, museums, art galleries, theaters, meeting rooms, convention centers, hotels, motels,

¹ An ordinance adopted by the Chicago City Council on May 25, 1988 falls outside this survey period. This ordinance bans or restricts smoking in a variety of public places and limits smoking in the workplace.

restaurants with a seating capacity of more than 50 persons, commercial establishments (excluding bars), restrooms, retail establishments (excluding tobacco retail shops), educational facilities from day care through college, and public areas of airports (Houston, TX., Code Section 21-236, Ord. No. 86.1311 (1986)).

Indianapolis, Indiana

Smoking is prohibited in streetcars, buses, elevators, public conveyances, hospital beds, hotel beds, retail selling establishments, and educational occupancies (Indianapolis, IN., Code Section 12-126, Ord. No. 120 (1972)). Smoking is regulated in public service areas of government buildings and public assembly areas of local government buildings. Penalties for violation include a \$25 fine, attending a free no-smoking clinic, or three hours community service in a cancer ward (Indianapolis, IN., Code Section 20-203 (1987)).

Jacksonville, Florida

Smoking is prohibited in public libraries and in the Veterans Memorial Coliseum except in restrooms and designated smoking areas. Smoking is allowed by performers as part of a theatrical production or during private gatherings or affairs not open to the general public. Violation is punishable by a fine not more than \$25, imprisonment for up to 10 days, or both. (Jacksonville, FL., Code Section 614.125, Supp. 4 (1983)). In places of assembly where the Fire Marshall deems it a public hazard, smoking is also prohibited. In such cases, regulation signs must be posted marking the area nonsmoking (Jacksonville, FL., Code Section 447.202 (1983)).

Los Angeles, California

Smoking is prohibited in health care facilities, public meeting and assembly rooms, and retail food marketing establishments (Los Angeles, CA., Code Section 41.50, Ord. No. 159498 (1984)). Additional smoking prohibitions are provided in arenas, gymnasiums, libraries, restaurants having a seating capacity of over 50 persons, areas of primary and secondary schools normally occupied by children, theaters, polling places, airport, train, or bus depot waiting areas or ticket lines, and day care facilities (Ord. No. 162989 (1987)).

Memphis, Tennessee

Smoking is prohibited in many public areas including: Memphis Area Transit Authority buses, elevators, Mid South Coliseum, Auditorium South Hall, Dixon Meyers Hall, hospital lobbies, hospital waiting rooms, hotels, Cook Convention Center, public and private restaurants, merchandising stores with more than five employees, and theaters (Memphis, TN., Code Section 20-215, Ord. No. 3517 (1986)).

Milwaukee, Wisconsin

Smoking is prohibited on public buses (Milwaukee, WI., Code Section 98-15 (1979)) and in theaters (Milwaukee, WI., Code Section 105-49 (1943)).

New York, New York

Smoking is prohibited in ticketing, boarding, and waiting areas of public transportation facilities, in buses, subways, vans, taxicabs, elevators, concert halls, auditoriums, arenas, in public health care facilities including hospitals, clinics, physical therapy facilities, convalescent homes, and homes for the aged, in public areas of hotels and motels with 25 or more employees, in libraries, museums, galleries, convention halls, in public meeting places, restaurants with a seating capacity

of 50 or more persons, restrooms, retail stores employing more than five employees or accommodating more than 150 customers, in pre-primary, primary, and secondary schools, in colleges, trade schools, theaters, places of religious assembly, and in banks employing more than 15 employees (New York, NY., Code Section 17-503 (1988)).

Philadelphia, Pennsylvania

Smoking is prohibited in any public transportation vehicle, in any place of public assembly seating more than 100 persons, and in any retail store designed to accommodate more than 30 persons, or where more than 25 persons are employed (Philadelphia, PA., Code Section 10-602, enacted in 1943, 1947, and 1948).

Phoenix, Arizona

Smoking is banned from public places, defined in Section 23-103 to include public transportation vehicles, taxicabs, elevators, enclosed public buildings, government buildings, auditoriums, indoor sports facilities, offices of health care professionals, pharmacies, public areas of hotels and motels, restaurants, restrooms, retail stores, grocery stores, shopping malls, public and private schools, theaters, airport service lines, airport waiting lounges, financial institutions, and child care centers. Fines for violation range from \$25 to \$100 (Phoenix, AZ., Code Section 23-105 (1986)).

San Antonio, Texas

Smoking is prohibited in bus and train facilities, taxicabs, elevators, conference rooms, meeting rooms, or any public service areas of city buildings, concert halls, cultural facilities, hospital or nursing home corridors, hospital rooms, nonsmoking areas of restaurants, retail stores, service establishments, department stores, grocery stores, clothing stores, shoe stores, hardware stores, laundromats, hair salons, barber shops, public primary and secondary schools, motion picture theaters, airport facilities, banks, and savings and loan facilities (San Antonio, TX., Code Ch. 28.5, Section 2, Ord. No. 62781, passed Par. 24 (1986)).

San Diego, California

Smoking is prohibited on public conveyances, elevators, governmental and educational agencies, pharmacies, health facilities, hospital rooms, psychiatric facilities, libraries, museums, galleries, public assembly halls, restaurants with a seating capacity of more than 20 persons must provide nonsmoking sections, restrooms, retail stores, retail service establishments, food markets, retail food production establishments, educational facilities, and theaters. Any person violating the Act is subject to fines from \$10 to \$100 (San Diego, CA., Code Section 45.0103 (1983), Ord. No. 11459 (1974)).

San Francisco, California

Smoking is prohibited in lobbies, waiting areas, restrooms, and dining areas of restaurants that are specified as nonsmoking areas. Owners are required to allocate adequate amounts of space as nonsmoking areas and must inform all patrons of nonsmoking areas (San Francisco, CA., Code Part II, Ch. V, Article 19A, Ord. No. 298-83 (1983)).

San Jose, California

Smoking is prohibited during public meetings of government officials, any room, chamber, or place where entertainment events, lectures, or athletic events are held, in public areas of

health care facilities, including hallways, waiting rooms, and lobbies, in patient rooms by nonpatients, in nonsmoking areas of restaurants with a capacity to serve more than 50 persons, in retail stores, public elevators, and in theaters (San Jose, CA., Code Section 944.101 to 944-080, Ord. No. 20364 (1980)).

Washington, D.C.

Smoking is prohibited on public passenger vehicles seating 12 or more passengers, in elevators, in any public hearing or

assembly room owned or leased by the District of Columbia, in hallways, waiting rooms, and lobbies of health care facilities, in patient rooms, in educational facilities, libraries, in nonsmoking areas of restaurants with a seating capacity of more than 50 persons, in retail stores, in nursery, elementary and secondary schools, day care centers, and institutions of higher education (District of Columbia, Code Section 6-912 to Section 6-917 (1979) amended January 1988, Section 7-100, effective March 29, 1988).

II. Smoking Regulations In The Workplace

Boston, Massachusetts

Personnel of the Department of Health and Hospitals, Emergency Medical Services Ambulance Service are forbidden to smoke while engaged in patient care or while driving (MA. Gen. Laws, Chapter 111C, 1st Edition, Rules, Regulations and Standard Operating Procedures, 1.8.3.6. (1981)).

Dallas, Texas

Employers are required to implement a written policy that protects nonsmokers from second-hand smoke and to establish a procedure for addressing employee complaints. The employer may use existing structural barriers and ventilation systems to create a nonsmoking area, and need not incur additional expenditures. The employer must provide conspicuous signs to mark the nonsmoking area. An employer may not discharge, discriminate, or retaliate against an employee who exercises his rights under the ordinance (Dallas, TX., Code Section 41-6 to Section 41-9, Ord. No. 19648 (1987)).

Houston, Texas

Employers are required to implement and maintain a written smoking policy to accommodate the desires of smokers and nonsmokers in the workplace (Houston, TX., Code Section 21-239, Ord. No. 86-1131 Section 2 (1986)).

Los Angeles, California

Employers are required to adopt, implement, and maintain a written smoking policy. The policy must provide that employers will try to accommodate the desires of both smokers and nonsmokers in the event of a dispute. An employer need not make additional expenditures to create structural or physical modifications in the workplace. A minimum of two-thirds of a lounge or cafeteria must be a nonsmoking area; restrooms and employee medical facilities must be nonsmoking areas. Employers must inform employees of the smoking policy and post signs in nonsmoking areas. An employer who makes reasonable efforts to develop and promulgate a smoking policy shall be deemed in compliance with the law (Los Angeles, CA., Code Section 41.50, Ord. No. 159, 498 (1984)).

New York, New York

Employers with over 15 employees are required to implement and adopt a written smoking policy that provides for a procedure to resolve a dispute when an employee desires to work in a smoke-free workplace. The policy must also provide

nonsmoking areas, including 50 percent of all lunchrooms, employee medical facilities, auditoriums, classrooms, conference rooms, meeting rooms, hallways, elevators, 50 percent of each employee lounge, restrooms, and any employee work area designated by the employee as a nonsmoking area. Employers must furnish each employee with a copy of the smoking policy, and post signs in no-smoking areas. Private enclosed offices occupied by smokers are excepted. An employer is prohibited from dismissing, demoting, suspending, or taking any disciplinary action against an employee who exercises his or her rights under the smoking policy (New York, NY., Code Section 17-504 (1988)).

Phoenix, Arizona

Employers are required to adopt, implement, and maintain a written smoking policy that makes use of existing ventilation and partitions to accommodate the preferences of smoking and nonsmoking employees. Employers are not required to incur expenditures or make structural changes, but if an accommodation between smokers and nonsmokers cannot be reached, the preference of nonsmokers must prevail. One-half of all lounges, restrooms, employee medical facilities, hallways, stairways, elevators, conference rooms, meeting rooms, auditoriums, and classrooms must be nonsmoking areas. The employer must announce the smoking policy to employees, post the smoking policy in a conspicuous area, and post signs in all nonsmoking areas. An employer is prohibited from terminating or disciplining an employee when the employee makes a complaint about smoking in the workplace (Phoenix, AZ., Code Section 23-106, Ord. No. 2865 (1986)).

San Antonio, Texas

An employer must adhere to certain guidelines when designating all or part of the workplace as a nonsmoking area. An employer is required to have and implement a written policy that conforms to Chapter 28.5 of the Houston Code. The employer must make the written policy available for employee inspection, and the nonsmoking areas must be marked by conspicuous "No-Smoking" signs (San Antonio, TX., Code Ch. 28.5 Section 4, Ord. No. 62791 (1986)).

San Diego, California

Smoking is prohibited in places of employment except in designated smoking areas. Employers are required to use existing physical barriers and partitions to minimize the effects of cigarette smoke, but need not incur any additional expense

for physical or structural changes. An employer who develops a smoking policy in good faith is deemed in compliance with the Act. Unless the area is designated as a smoking area, a worker may not smoke in lounges, conference rooms, cafeterias, or work areas. Private offices are exempt from the prohibition, and employers must clearly mark all nonsmoking areas (San Diego, CA., Code Section 45.0101 to Section 45.0111 (1986)).

San Francisco, California

Employers are required to adopt, maintain, and implement a written smoking policy in offices. The policy must require employers to use existing partitions and ventilation to reduce the effects of second-hand smoke. While employers need not incur expenditures to accommodate the desires of smokers and nonsmokers, the preference of nonsmokers must prevail if a solution is not reached. The employer must announce the smoking policy, post it in a conspicuous place, and clearly

mark the nonsmoking area with signs. Offices occupied exclusively by smokers are exempt from the Act (San Francisco, CA., Code Section 1003, Ord. No. 298-83 (1983)).

San Jose, California

Employers are required to adopt, implement, and maintain a written smoking policy, and the employer must give preference to the requests of nonsmokers. Smoking is prohibited in restrooms, hallways, elevators, conference rooms, meeting rooms, employee medical facilities, classrooms, auditoriums, and two-thirds of each employee lounge. Any employee may designate his or her immediate work area as a nonsmoking area. All employers are required to communicate the smoking policy to employees and to post signs in nonsmoking areas. An enclosed workplace occupied exclusively by smokers is exempt (San Jose, CA., Code Section 944.120, Ord., No. 21830 (1984)).

III. Public Safety Regulations

Baltimore, Maryland

Smoking is prohibited on wharves and piers and in sheds. Smoking is prohibited on any vessel or near a vessel where explosives are being unloaded (Baltimore, MD., Code Article 10, Section 45 (1983)). Smoking is prohibited in or on cars containing explosives, or in the vicinity of explosives, aboard vessels, cars, or barges (Baltimore, MD., Code Article 10, Section 82, Ord. No. 336 (1913)).

Boston, Massachusetts

Smoking is prohibited in factories, workshops, mercantile establishments, or warehouses where the material being handled in and about the structure may readily be ignited by smoking materials or where such structures are of a combustible construction or if they are considered a fire hazard (Boston Fire Prevention Code, Ordinances, Chapter 28, Article 30, Sections 30.01 to 30.06 (1979)).

Chicago, Illinois

Smoking is prohibited where certain dangerous substances are kept. Smoking is prohibited in lumberyards (Chicago, IL., Code Section 90-91(g) (1980)), in public assembly units where combustible contents are kept (Chicago, IL., Code Section 90-91(e) (1980)), in "hazardous use rooms" (Chicago, IL., Code Section 90-91 (1980)), and in storage rooms where any highly flammable materials are kept (Chicago, IL., Code Section 92-56 (1977)).

Columbus, Ohio

Smoking is prohibited in any room used for dry cleaning (Columbus, OH., Code Section 18.42, Ord. No. 215-42 (1942)).

Dallas, Texas

Smoking is restricted around certain food products. Smoking is prohibited by workers in food product establishments (Dallas, TX., Code Section 17-3.3(b) (1985)) and by workers engaged in processing milk or milk products (Dallas, TX., Code Section 26-7, Item 20p (1961)).

Detroit, Michigan

Smoking is prohibited where combustible fibers are stored (Detroit, MI., Code Section 19-3-47(2) (1979)), and in areas containing dust producing operations (Detroit, MI., Code Section 19-3-47(3) (1979)). Using a cigarette to set fire to any hotel furnishings is prohibited (Detroit, MI., Code Section 42-2-9 (1964)).

Houston, Texas

Smoking is prohibited near oil wells or oil tanks (Houston, TX., Code Section 31-66), within 50 feet of an automobile accident (Houston, TX., Code Section 8-189), and by drivers of suburban buses (Houston, TX., Code 46-147).

Indianapolis, Indiana

Smoking is prohibited in the area of explosives (Indianapolis, IN., Code Section 12-240(b) & Section 12-248 (1972)), in any room containing a dusty atmosphere (Indianapolis, IN., Code Section 12-196(3) (1972)), in any room where film is handled (Indianapolis, IN., Code Section 12-432 (1972)), in any room where flammable materials are kept (Indianapolis, IN., Code Section 12-378 (1972)), and in finishing rooms or any area used for the storage of flammable finishes (Indianapolis, IN., Code Section 12-310 (1982)).

Jacksonville, Florida

Smoking is prohibited in the area of explosives and facilities for mixing blasting agents (Jacksonville, FL., Code Section 431.106, Section 431.107, Section 431.109, Section 435.914, & Section 431.112 (1983)), in any room containing a dusty atmosphere, such as lumberyards and woodworking plants (Jacksonville, FL., Code Section 434.103 & Section 441.103 (1983)), in any room where flammable materials are kept (Jacksonville, FL., Code Section 435.607 (1983)), in any area where conditions are such as to make smoking a hazard, i.e., any areas of piers, wharves, warehouses, stores, industrial plants, institutions, buildings under construction, places of assembly, or places where combustible materials are stored or handled (Jacksonville, FL., Code Section 447.202 (1983)),

and in finishing rooms or any area used for the storage of flammable finishes (Jacksonville, FL., Code Section 434.103 & Section 435.607 (1983)). Where smoking is permitted, there shall be provided suitable, noncombustible ash trays or match receivers (Jacksonville, FL., Code Section 446.114 (1983)).

Los Angeles, California

Smoking is prohibited in any public garage or on the premises of any auto fueling station (Los Angeles, CA., Code Section 57.100.37).

New York, New York

Smoking is prohibited on any vessel storing petroleum oil, in any warehouse, shed, dock, pier, bulkhead, or wharf (New York, N.Y., Code Section C19-168 (1976)), or in any room where food is processed, prepared, or packaged (New York, N.Y., Code Section 81.27 (1981)). Disposal of any cigarette within any building, boat, car, or common carrier, except in ashtrays, is prohibited (New York, NY., Code Section 19-168 (1976)).

San Antonio, Texas

Smoking is restricted around fuel in airports (San Antonio, TX., Code Section 3-61 (1984)), or within 50 feet of a plane being refueled (San Antonio, TX., Code Section 3-113 (1984)). San

Antonio has adopted the Texas Department of Health Rules on Food Sanitation, which prohibits employees from smoking while engaged in food preparation, food service, or dishwashing (San Antonio, TX., Ord. No. 59746 (1984)).

San Diego, California

Smoking is prohibited near fuel in airports (San Diego, CA., Unified Port District Code Section 5.05 (1964)), within 50 feet of the landing pad of heliport and helistop locations (San Diego, CA., Code Section 68.0210 (1970)), in garages (San Diego, CA., Code Section 55.20.4 (1967)), on any municipal wharf or in any municipal warehouse (San Diego, CA., Code Section 63.15.37 (1967)), and within buildings under construction (San Diego, CA., Code Section 68.0131 (1969)).

Smoking is prohibited during and up to four hours after applying flammable finishes to bowling alleys (San Diego, CA., Uniform Fire Code Section 55.26.103 (1984)).

San Jose, California

Smoking is prohibited near airplanes or fuel in airports (San Jose, CA., Code Section 15.04.160 (1950)), and near any park, trail, bridle path, or in any fire risk area (San Jose, CA., Code Section 13.44.130 (1977)).

IV. Municipal Tobacco Taxation

Chicago, Illinois

A 10¢ tax is imposed on each pack of 20 cigarettes sold within the city. Each tobacco wholesaler is required to collect the tax from retailers and pay the Comptroller. Wholesalers are required to make invoices for each sale, file quarterly tobacco tax returns, and must purchase tax stamps from the Comptroller before delivery to retailers. Retailers are required to file a sworn inventory on all cigarettes in their control, and must file a report showing tobacco purchases within the proceeding three months. The City Comptroller may appoint someone to affix the stamps; it is forbidden to alter or forge any tax stamp. The Act provides several remedies if the tax is not paid including: seizing cigarettes, bringing legal action, or revoking all tobacco dealer licenses. The Act provides for \$50 to \$300 fines for the first offense, \$50 to \$500 fines for the second offense, and incarceration for not more than three months for the third offense (Chicago, IL., Code Sections 178.1-1 to 178.1-14 (1982)).

Los Angeles, California

A tax of two mills (\$.002) is imposed per cigarette on all cigarettes sold within the city limits. Each retailer is required to obtain a Cigarette Tax Registration Certificate and to register with the City Comptroller who is responsible for collecting the tax from the retailer and for paying the collected tax to the city. Retailers are required to keep all necessary records for four years as proof. All delinquent tax payments are subject to interest and penalties, and the city may bring legal action to recover unpaid taxes from retailers or users. The Act provides a taxpayer with a means of obtaining a tax refund if the tax was overpaid, wrongly collected, or paid more than

once (Los Angeles, CA., Code Section 21.8.1 to 21.8.11, Ord. No. 127, 689 (1964)).

Memphis, Tennessee

A cigarette tax of 1¢ is imposed on each pack of 20 cigarettes sold within the city (Memphis, TN., Code Section 36-41 to Section 36-52 (1967)). Each wholesaler must add the cigarette tax to each pack of cigarettes sold to retailers within the city. The retailer in turn should charge the purchaser. The wholesaler must affix stamps to cigarettes showing tax payment before delivery. City officials have access to all pertinent wholesaler records for determination and collection of the tax. The Act provides a refund on all unsalable stamps and provides an exemption for all cigarettes bought by military personnel on a military establishment.

San Jose, California

A tax of \$.0015 (1 1/2 mills) is imposed on the sale of each cigarette within the city limits. All cigarette distributors (wholesalers) must register with the Director of Finance and must collect and pay the tax to the city. Wholesalers must keep comprehensive records of all cigarette distribution and retain the records for three years. The city is authorized to bring an action to collect the tax. The Act also authorizes harsh penalties for nonpayment of taxes, which increase in the amount based upon the length of time the tax is outstanding. Criminal sanctions of a \$500 fine or imprisonment for not more than six months are authorized. The Act provides for a refund, if a tax, penalty, or interest is overpaid or wrongfully collected (San Jose, CA., Code Section 4.50.010 to Section 4.50.140 (1967)).

Washington, D.C.

A tax of 85/100¢ is imposed on each cigarette sold within the city limits. Wholesalers, retailers, and vending machine operators are required to obtain licenses from the Mayor. Retailers are required to affix stamps to cigarette packages to evidence the tax payment. (All persons are prohibited from altering or counterfeiting stamps.) Further, all wholesalers, retailers, and vending machine operators must keep, maintain, and preserve all relevant records and books. The Mayor is authorized to seize cigarettes, vending machines, and

forged stamps for nonpayment of taxes. The Act also provides for penalties and interest for nonpayment. Certain cigarettes are exempt from the Act including: cigarettes sold by the government, cigarettes possessed by licensed wholesalers for sale outside the District, cigarettes possessed by consumers, and cigarettes being legally transported within the District. Provision is made for refund of any tax, penalty, or interest wrongfully collected. Requirements for transporting cigarettes within the city limits are specified. (Washington, D.C., Code Section 47-2401 to Section 47-2418 (1982)).

V. Regulation of Cigarette Sales to Minors

Boston, Massachusetts

It is prohibited for any person, except at full retail price, to distribute in or upon any part of the streets, parks, public grounds, public buildings, other public places within the City of Boston, any product containing tobacco or nontobacco cigarette products for any commercial purpose. Violation is punishable by a fine of \$200 (City of Boston Code, Ordinances, Title 14, Section 270A (1984)).

Chicago, Illinois

It is prohibited to sell cigarettes to any person under the age of 18 years and minors under the age of 18 years are prohibited from purchasing or accepting delivery of cigarettes. Sellers are required to post a warning to minors and to request identification from any person who appears to be less than 18 years of age. Minors are prohibited from misrepresenting their age to obtain cigarettes (Chicago, IL., Code Section 178-19.1 to Section 178-19.5 (1982)).

It is prohibited to sell cigarettes within 100 feet of schools (Chicago, IL., Code Section 178-18 (1982)). It is also prohibited to install a vending machine where minors are employed, unless the machine is under constant adult supervision (Chicago, IL., Code Section 178-23 (1982)). Vending machine owners or operators are required to post a warning to minors of the illegality of purchasing cigarettes (Chicago, IL., Code Section 178-18 (1982)).

Detroit, Michigan

It is prohibited to furnish cigarettes to minors and minors are prohibited from buying, receiving, possessing, or using cigarettes. Minors are also prohibited from misrepresenting their age to obtain cigarettes. It is prohibited to persuade, counsel, or advise any minor to smoke cigarettes (Detroit, MI., Code Section 11-3-1 to Section 11-3-3 (1964)).

Jacksonville, Florida

It is prohibited to sell, barter, give, exchange, or otherwise distribute any cigarette, cigar, pipe, cigarette rolling papers, tobacco, smoking herb, or any other smoking material, to any person under the age of 18 years. Ignorance or misrepresentation of the age of a recipient of any of the smoking materials shall not be a defense to a prosecution. Signs to this effect shall be prominently posted at all times (Jacksonville, FL., Code Section 480.111 (1983)). Violation shall be punishable by \$500 fine, 90 days in jail, or both.

Milwaukee, Wisconsin

It is prohibited to sell cigarettes to a minor under the age of 16 years, and illegal for any person to permit a minor to smoke on premises occupied by the person (Milwaukee, WI., Code Section 106-30 (1956)).

San Diego, California

It is illegal for any person under the age of 18 years to possess or use tobacco (San Diego, CA., Code Article 8, Section 58.04 (1900)). Further, it is unlawful for any person to sell tobacco to a minor (San Diego, CA., Ord. No. 58 (1890)).

San Jose, California

It is prohibited to maintain or operate a cigarette vending machine within 100 feet of a public playground or school (San Jose, CA., Code Section 6.70.110 (1960)). In places having vending machines, a responsible employee must supervise the use of the machine and ensure that it is not operated by minors (San Jose, CA., Code Section 6.70.120 (1960)).

Washington, D.C.

It is prohibited to sell cigarettes to any minor under the age of 16 years (Washington, D.C., Code Section 22-1120 (1891)).

Public Places

	A.	B.	C.	D.	E.	F.	G.	H.	I.	J.	K.	L.	M.	N.	O.	P.	Q.	R.	S.	T.
	Baltimore, MD	Boston, MA	Chicago, IL	Columbus, OH	Dallas, TX	Detroit, MI	Houston, TX	Indianapolis, IN	Jacksonville, FL	Los Angeles, CA	Memphis, TN	Milwaukee, WI	New York, NY	Philadelphia, PA	Phoenix, AZ	San Antonio, TX	San Diego, CA	San Francisco, CA	San Jose, CA	Washington, D.C.
1	X		X	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X
2																				
3		X	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X
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15			X	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X
16		X	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X
17		X	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X
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22													X		X	X	X	X	X	X
23							X						X		X	X	X	X	X	X
24	X							X		X										

Smoking in the Workplace

	A.	B.	C.	D.	E.	F.	G.	H.	I.	J.	K.	L.	M.	N.	O.	P.	Q.	R.	S.	T.
	Baltimore, MD	Boston, MA	Chicago, IL	Columbus, OH	Dallas, TX	Detroit, MI	Houston, TX	Indianapolis, IN	Jacksonville, FL	Los Angeles, CA	Memphis, TN	Milwaukee, WI	New York, NY	Philadelphia, PA	Phoenix, AZ	San Antonio, TX	San Diego, CA	San Francisco, CA	San Jose, CA	Washington, D.C.
25 Cafeterias & Lunchrooms																				
26 Classrooms & Auditoriums				X																
27 Complaint Procedure																				
28 Conference & Meeting Rooms																				
29 Employee Smoking Area																				
30 Good Faith Exception																				
31 Hallways, Elevators, Stairways			X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
32 Lounges or Waiting Rooms																				
33 No Structure Change Required																				
34 Nonsmoking Area Required																				
35 Notice to Employees Required																				
36 Restrooms																				
37 Retaliation Prohibited																				
38 Preference for Demands of N/S																				
39 Signs Required																				
40 Ventilation, Partition, Separation																				
41 Written Policy																				
42 Criminal Sanction																				
43 Limited by No. of Employees																				
44 Private Office Exception																				
45 Medical Facilities																				
46 Limited to Offices																				

Safety Regulations

	A.	B.	C.	D.	E.	F.	G.	H.	I.	J.	K.	L.	M.	N.	O.	P.	Q.	R.	S.	T.
	Baltimore, MD	Boston, MA	Chicago, IL	Columbus, OH	Dallas, TX	Detroit, MI	Houston, TX	Indianapolis, IN	Jacksonville, FL	Los Angeles, CA	Memphis, TN	Milwaukee, WI	New York, NY	Philadelphia, PA	Phoenix, AZ	San Antonio, TX	San Diego, CA	San Francisco, CA	San Jose, CA	Washington, D.C.
47 Airports and Hangars			X													X	X	X		
48 Bakeries																				
49 Combustible Fibers						X														
50 Disposal of Cigarettes									X				X							
51 Drivers		X					X	X	X											
52 Dusty Atmospheres						X		X	X											
53 Explosives, Trucks - Vessels	X							X	X				X							
54 Films								X												
55 Firefighters																				
56 Hotels						X														
57 Milk Products					X															
58 Near Fuel	X		X					X	X	X			X			X	X	X		X
59 Oil Tanks							X		X											
60 Parks																				X
61 Vehicle Accidents							X													
62 Vessels	X																			
63 Warehouses, Garages, Shops	X	X	X	X					X				X				X	X		
64 Wharves, Sheds, Piers	X	X	X	X					X	X			X				X	X		
65 Combustibles, generally			X	X				X	X								X	X		
66 Food Products/Establishment						X							X							
67 Buildings under Construction									X								X	X		

	T.	S.	R.	Q.	P.	O.	N.	M.	L.	K.	J.	I.	H.	G.	F.	E.	D.	C.	B.	A.	
	Washington, D.C.	San Jose, CA	San Francisco, CA	San Diego, CA	San Antonio, TX	Phoenix, AZ	Philadelphia, PA	New York, NY	Milwaukee, WI	Memphis, TN	Los Angeles, CA	Jacksonville, FL	Indianapolis, IN	Houston, TX	Detroit, MI	Dallas, TX	Columbus, OH	Chicago, IL	Boston, MA	Baltimore, MD	
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Tobacco Taxation

68 Collection Actions by City
 69 Collection by Retailer
 70 Collection by Wholesaler
 71 Counterfeiting Stamps
 72 Fines
 73 Inventory Required
 74 Licenses Required
 75 Military Exception
 76 Penalty and Interest
 77 Records Required
 78 Refunds
 79 Registration and Permits
 80 Stamps Required
 81 Tax Imposed
 82 Wholesalers Exempt
 83 Exemptions (misc)
 84 Transportation Restrictions
 85 Seizure & Forfeiture of Prop.

	T.	S.	R.	Q.	P.	O.	N.	M.	L.	K.	J.	I.	H.	G.	F.	E.	D.	C.	B.	A.	
	Washington, D.C.	San Jose, CA	San Francisco, CA	San Diego, CA	San Antonio, TX	Phoenix, AZ	Philadelphia, PA	New York, NY	Milwaukee, WI	Memphis, TN	Los Angeles, CA	Jacksonville, FL	Indianapolis, IN	Houston, TX	Detroit, MI	Dallas, TX	Columbus, OH	Chicago, IL	Boston, MA	Baltimore, MD	
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Sale and Use by Minors

86 Age Misrepresentation
 87 Identification Required
 88 Persuading, Counseling, Advising
 89 Possession
 90 Premises Owner
 91 Sale
 92 Use
 93 Warning Display
 94 Vending Machines
 95 Purchase
 96 Unlawful Misrepresentation

The following is a detailed explanation of legislation cited in the narrative section with letter and number codes for use with the charts accompanying that section.

Baltimore, Maryland

A 1 MD. Ann. Code Article 19, Section 142 (1983)

Carrying a lighted, smoking instrument on a street car, trackless trolley, or bus is unlawful; violation is a misdemeanor punishable by a \$10 maximum fine for each violation.

A 53 MD. Ann. Code Article 10, Section 82, Ord. No. 336 (1913)

Prohibits smoking in or on cars containing explosives or in the vicinity of explosives, aboard vessels, cars, or barges.

A 62 MD. Ann. Code Article 10, Section 45 (1983)

Prohibits smoking on any vessel or near a vessel unloading explosives. Violation is punishable by a fine of \$5 to \$25.

A 63 MD. Ann. Code Article 10, Section 45 (1983)

Prohibits smoking in any warehouse on any wharf or pier.

A 64 MD. Ann. Code Article 10, Section 45 (1983)

Prohibits smoking on any wharf, shed, or pier.

Boston, Massachusetts

B 3 MA. Fire Prevention Code, Ordinances, Chapter 28, Article 30, Section 30.01 to 30.06 (1979)

Smoking is prohibited in passenger and freight elevators.

B 4 MA. Fire Prevention Code, Ordinances, Chapter 28, Article 30, Section 30.01 to 30.06 (1979)

Smoking is restricted in public buildings and at public meetings.

B 10 MA. Fire Prevention Code, Ordinances, Chapter 28, Article 30, Section 30.01 to 30.06 (1979)

Smoking is prohibited in public halls, special halls, miscellaneous halls, and places of assembly.

B 11 MA. Fire Prevention Code, Ordinances, Chapter 28, Article 30, Section 30.01 to 30.06 (1979)

Violation is punishable by a fine of not less than \$10 nor more than \$50.

B 16 MA. Fire Prevention Code, Ordinances, Chapter 28, Article 30, Section 30.01 to 30.06 (1979)

Smoking is prohibited in schools, colleges, and universities.

B 16 MA. City of Boston Code (CBC) Ordinances, Chapter 16, Title 2, Section 362 (1980)

The Boston School Department shall institute an educational program in all junior and senior high schools in the city on the harmful effects of smoking.

B 17 MA. Fire Prevention Code, Ordinances, Chapter 28, Article 30, Section 30.01 to 30.06 (1979)

Smoking is prohibited in theatres.

B 19 MA. City of Boston Code, Ordinances, Title 14, Section 270A (1984)

No person shall distribute except at full retail price, any product containing tobacco or nontobacco cigarette products for any commercial purpose in or upon any part of the streets, parks, or public grounds.

B 24 MA. Fire Prevention Code, Ordinances, Chapter 28, Article 30, Section 30.01 to 30.06 (1979)

Smoking is prohibited in factories, workshops, mercantile establishments, and warehouses.

B 51 MA. City of Boston, Department of Health and Hospitals, Emergency Medical Service, Rules, Regulations, and Standard Operating Procedures 1.8.3.6.

Department personnel are forbidden to smoke while engaged in patient care or while driving.

B 63 MA. Fire Prevention Code, Ordinances, Chapter 28, Article 30, Section 30.01 to 30.06 (1979)

Smoking is prohibited in factories, workshops, mercantile establishments, and warehouses.

B 64 MA. Fire Prevention Code, Ordinances, Chapter 28, Article 30, Section 30.01 to 30.06 (1979)

Smoking is prohibited in factories, workshops, wharves, docks, and warehouses.

Chicago, Illinois

- C 1 IL. Stat. Ch. 193, Section 193-7.10 (enacted 1955) (amended 1975)**
Prohibits smoking or carrying a lighted smoking instrument in any street car, elevated train, subway or any public conveyance holding more than seven passengers. Violation is punishable by a fine of \$50 to \$300 for each offense.
- C 3 IL. Stat. Ch. 193, Section 193-7.9 (enacted 1948) (amended 1975)**
Prohibits carrying or smoking a lighted cigarette on public elevators. Violation is punishable by a fine of \$25 to \$250 for each offense.
- C 4 IL. Stat. Code Section 90-91(b) (1980)**
Prohibits smoking in every institutional building except in the administration office on the first floor and in designated smoking rooms.
- C 15 IL. Stat. Code Section 193-7.9 (1948)**
Prohibits smoking in any retail store in which more than 15 persons are employed. Areas set apart for serving food or beverages, waiting rooms, restrooms, executive offices, beauty parlors, and areas where merchandise is not exposed are excluded. Violation is punishable by a fine of \$25 to \$250.
- C 16 IL. Code Section 90-91(d) (1980)**
Prohibits smoking in schools.
- C 17 IL. Code Section 90-91(c) (1980)**
Prohibits smoking in theaters except in smoking rooms.
- C 20 IL. Code Section 90-91(d) (1980)**
Prohibits smoking in hangars.
- C 21 IL. Code Section 90-91(d) (1980)**
Prohibits smoking in churches.
- C 58 IL. Code Section 90-91(a) (1980)**
Prohibits smoking in any "hazardous room."
IL. Code Section 92-56 prohibits smoking in any highly flammable material storage room. See also Section 129.14 and Section 172.19.
- C 63 IL. Code Section 90-91(g) (1980)**
Prohibits smoking in any lumberyard or lumber storehouse.
- C 65 IL. Code Section 90-91(e) (1980)**
Prohibits smoking in any public assembly unit where combustible contents are kept.
- C 68 IL. Code Section 178.1-11(a) (1982)**
Provides that if any person fails to pay the tax, corporate counsel may bring an action for payment of the tax on behalf of the city. The mayor may revoke all city license of the tax evader (including tobacco dealers license).
- C 70 IL. Code Section 178.1-7 (1982)**
Provides that tobacco wholesalers must make an invoice for each sale of cigarettes and provides that tobacco wholesalers must file a quarterly cigarette tax return showing all tobacco sales by him within the city and to persons outside the city.
Section 178.1-2(b) provides that each tobacco wholesaler must purchase tax stamps from the comptroller before delivery to the retailer.
- C 71 IL. Code Section 178.1-8 (1982)**
Prohibits walking, altering, or forging any cigarette tax stamp with intent to defraud.
- C 72 IL. Code Section 178.1-1.4 (1982)**
Fine for first offense is \$50 to \$300, for second offense is \$50 to \$500 (within a 180 day period); third offense is a misdemeanor punishable by incarceration for not more than six months.
- C 73 IL. Code Section 178.1-5 (1982)**
Provides that every retail tobacco dealer must file a sworn inventory of all cigarettes within his control within 10 days of the effective date of the ordinance. The inventory must be filed with the director of revenue and must be accompanied by a report showing all cigarette purchases within the preceding three months. The retail dealer must then pay taxes on the unstamped cigarettes.
- C 77 IL. Code Section 178.1-7 (1982)**
Requires wholesale dealers to make a triplicate invoice showing date of delivery, number of packages, and name of the purchase.
- C 80 IL. Code Section 178.1-4 (1982)**
Provides that the city comptroller shall appoint some person (wholesaler) to affix tax stamps to any cigarettes under his control.

C 81 IL. Code Section 178.1-2 (1982)

Imposes a 10¢ tax on each 20 cigarettes. The wholesaler shall pay the comptroller, the retailer shall pay the wholesaler, and the purchaser shall pay the retailer.

C 85 IL. Code Section 178.1-12 (1982)

The comptroller may seize any cigarettes and vending machine when tax on the cigarettes has not been paid, or stamps affixed.

C 87 IL. Code Section 178-19.1 (1982)

Requires a seller to request identification from any person he believes or has reason to believe is under 18 years of age. Repeated or knowing failure to request identification will result in revocation of tobacco sales license.

C 91 IL. Code Section 178-19 (1982)

Prohibits the sale of cigarettes to any minor under 18 years of age.

Section 178-18 prohibits any person from selling cigarettes within 100 feet of any school.

C 93 IL. Code Section 178-19.2 (1982)

Requires every seller of tobacco products to post a warning stating that persons under 18 years of age are subject to a \$500 fine for purchasing cigarettes or for misrepresenting their age.

C 94 IL. Code Section 178-23 (1982)

Provides that no cigarette vending machine shall be installed where minors under 18 years of age are employed unless the machine is under constant supervision by a responsible adult. Further provides that each vending machine must exhibit a sign stating that it is unlawful to sell cigarettes to anyone under 18 years of age.

C 95 IL. Code Section 178-19 (1982)

Prohibits minors under 18 years of age from purchasing or accepting delivery of cigarettes. Violation is punishable by a fine of \$50 to \$500.

C 96 IL. Code Section 178-19.3 (1982)

Prohibits minors from misrepresenting their age, or from using another's identification card, for the purpose of obtaining cigarettes.

Columbus, Ohio

D 15 OH. Code Section 81, Ord. No. 237-48 (1919)

Prohibits smoking in retail stores employing 25 or more persons or designed to accommodate 200 or more persons. Restrooms are excluded.

D 17 OH. Code Section 1016 (Code of 1919)

Prohibits smoking in theaters, halls, auditoriums, and public buildings. Violation is punishable by a fine of \$5 to \$500.

Columbus, Ohio, City Bulletin (July 26, 1980) Prohibits smoking in public theaters and auditoriums.

D 65 OH. Code Section 18.42, Ord. No. 215-42 (1942)

Prohibits smoking in any rooms used for dry cleaning.

Dallas, Texas

E 1 TX. Code Section 41-2(a)(6) (1985)

Prohibits smoking in any transit system vehicle. Violation is punishable by a fine of \$25 to \$200.

E 2 TX. Code Section 41-2(a)(6) (1985)

Prohibits smoking in any transit system vehicle. Violation is punishable by a fine of \$25 to \$200.

E 3 TX. Code Section 41-2(a)(1) (1985)

Prohibits smoking in any public elevator. Violation is punishable by a fine of \$25 to \$200.

E 4 TX. Code Section 41-2(a)(3) (1985)

Prohibits smoking in any conference room, meeting room, or public service facility owned, operated, or managed by the city. Love Field, Dallas Convention Center, Reunion Arena, concert halls, cultural facilities, and common areas of city-owned theaters are excluded.

E 6 TX. Code Section 41-2(c)(1 & 2) (1985)

Gives hospital patients the right to choose whether to be in a no smoking room. Requires employees or visitors to obtain express approval from a patient before smoking in the patient's room.

E 8 TX. Code Section 41-2(a)(b) (1985)

Prohibits smoking in libraries.

- E 9 TX. Code Section 41-2(a)(6) (1985)**
Prohibits smoking in museums.
- E 10 TX. Code Section 41-2(a)(3) (1985)**
Prohibits smoking in conference rooms and meeting rooms.
- E 11 TX. Code Section 41-2(a)(5) (1985)**
Prohibits smoking in any area posted by the owner of a hospital, nursing home, retail establishment, or service establishment.
- E 12 TX. Code Section 41-2 (1985)**
Specifies the areas where public smoking is prohibited in Dallas.
- E 13 TX. Code Section 41-4 (1985)**
Food product establishments must have separate smoking and nonsmoking areas. The areas must be separated by four feet of space. The areas must be adequately ventilated. All non-dining areas of restaurants must be designated as nonsmoking areas. Establishments seating less than 50 persons; establishments with gross sales of alcohol of greater than 70 percent; and a separated bar area of a food products establishment are excepted. Violation is punishable by fines of \$25 to \$250.
- E 15 TX. Code Section 41-2(a)(4) (1985)**
Prohibits smoking in retail or service establishments serving the general public including grocery stores, department stores, and drug stores. Love Field, Dallas Convention Center, Reunion Arena, and common areas of theaters, concert halls, cultural facilities, and common areas of city-owned theaters are excepted.
- E 16 TX. Code Section 41-2(a)(6) (1985)**
Prohibits smoking in public, primary, or secondary schools. Violation is punishable by fines of \$25 to \$250.
- E 17 TX. Code Section 41-2(a)(6) (1985)**
Prohibits smoking in enclosed theaters. Violation is punishable by fines of \$25 to \$250.
- E 27 TX. Code Section 41-6(1)(D) (1987)**
Provides that the employer must establish a procedure for addressing employee complaints.
- E 33 TX. Code Section 41-6(1)(c) (1987)**
Provides that the employer need use only existing structural barriers and ventilation system.
- E 34 TX. Code Section 41-6(1)(c) (1987)**
Provides that the employer shall designate a non-smoking area to minimize nonsmokers involuntary exposure to second-hand smoke.
- E 37 TX. Code Section 41-6(3) (1987)**
Prohibits an employer from discharging, retaliating, or discriminating against an employee who: 1) files a complaint or institutes a proceeding; 2) testifies in an instituted procedure; or 3) exercises a right given by this chapter.
- E 39 TX. Code Section 41-6(2) (1987)**
Provides that conspicuous signs must be posted in a nonsmoking area.
- E 40 TX. Code Section 41-6(1)(c) (1987)**
Requires nonsmoking areas to be created using the existing structural barriers and ventilation.
- E 41 TX. Code Section 41-6(1) (1987)**
Provides that employers implement a written smoking policy that protects nonsmokers from second-hand smoke.
- E 42 TX. Code Section 41.1 (1987)**
Violation is punishable by a fine of \$50 to \$500.
- E 57 TX. Code Section 26-7 (Item 20p) (1961)**
Prohibits the use of tobacco by any person engaged in processing milk or milk products.
- E 66 TX. Code Section 17-3.3(b) (1985)**
Prohibits persons who work in food product establishments from smoking. (While preparing food or while occupying an area used for food preparation).
- Detroit, Michigan*
- F 3 MI. Code Section 193-96 (1979).**
Prohibits smoking in any elevator within the City of Detroit.
- F 49 MI. Code Section 19-3-47(2) (1979)**
Prohibits smoking in any area where combustible fibers are stored.
- F 52 MI. Code Section 19-3-47(3) (1979)**
Prohibits smoking in areas containing dust producing or dust-agitating operations.

F 56 MI. Code Section 44-2-9 (1964)

Prohibits using a cigarette or cigar to set fire to any furnishings in a hotel.

F 88 MI. Code Section 11-3-1 (1964)

Prohibits any person from persuading, counseling, or advising any minor to smoke cigarettes. First offense is punishable by a fine not to exceed \$25 or imprisonment not to exceed 30 days. The second offense is punishable by a fine not to exceed \$100 or imprisonment not to exceed 60 days.

F 89 MI. Code Section 11-3-3 (1964)

Makes it unlawful for any minor to buy, receive, or possess cigarettes.

F 91 MI. Code Section 11-3-1 (1964)

Prohibits any person from selling, furnishing, or giving away cigarettes to minors.

F 92 MI. Code Section 11-3-3 (1964)

Prohibits minors from using cigarettes.

F 96 MI. Code Section 11-3-2 (1964)

Prohibits any minor from misrepresenting his age to obtain cigarettes.

Houston, Texas

G 1 TX. Code Section 21-237(a) (1986)

Prohibits smoking in public places including vehicles of public transportation such as trains, buses, or ferries. (See Section 21-236). Taxicabs and limosines are excluded.

G 3 TX. Code Section 21-237(a) (1986)

Prohibits smoking in public places including elevators. (See Section 21-236).

G 4 TX. Code Section 21-237(a) (1986)

Prohibits smoking in public places including governmental facilities. (See Section 21-236).

G 5 TX. Code Section 21-237(a) (1986)

Prohibits smoking in public places including gymnasiums, concert halls, and auditoriums. (See Section 21-236).

G 6 TX. Code Section 21-237(a) (1986)

Prohibits smoking in public places including health care facilities, i.e., hospitals, nursing homes, doctors' and dentists' offices, and laboratories. (See Section 21-236). Lobbies and reception areas are excluded.

G 7 TX. Code Section 21-237(a) (1986)

Prohibits smoking in public places including hotels and motels. (See Section 21-236). Hotel and motel sleeping rooms rented to guests are excluded.

G 8 TX. Code Section 21-237(a) (1986)

Prohibits smoking in public places including libraries. (See Section 21-236).

G 9 TX. Code Section 21-237(a) (1986)

Prohibits smoking in public places including museums and art galleries. (See Section 21-236).

G 10 TX. Code Section 21-237(a) (1986)

Prohibits smoking in public places including meeting rooms and convention centers. (See Section 21-236). The convention center exhibition area is excluded.

G 12 TX. Code Section 21-237(a) (1986)

Institutes a general prohibition on smoking in public places. (See other summaries for details).

G 13 TX. Code Section 21-237(a) (1986)

Prohibits smoking in public places including restaurants (prohibition applies to all commercial establishments). (See Section 21-236). Lounge bar, restaurant bar, and restaurants with a seating capacity of less than 50 persons are excepted.

G 14 TX. Code Section 21-237(a) (1986)

Prohibits smoking in public places including restrooms. (See Section 21-236).

G 15 TX. Code Section 21-237(a) (1986)

Prohibits smoking in public places including retail establishments. (Applies to all commercial establishments). (See Section 21-236). Tobacco specialty retail shops are excluded.

G 16 TX. Code Section 21-237(a) (1986)

Prohibits smoking in public places including educational facilities. (See Section 21-236). (Applies to day care through colleges).

G 17 TX. Code Section 21-237(a) (1986)

Prohibits smoking in public places including theaters. (See Section 21-236). Lobbies are excepted.

G 20 TX. Code Section 21-237(a) (1986)

Prohibits smoking in public places including airports. (See Section 21-236).

G 41 TX. Code Section 21-239, Ord. No. 86-1311, Section 2 (1986)

Requires employers to implement and maintain a written smoking policy to accommodate the desires of smokers and nonsmokers.

G 51 TX. Code Section 46-147

Prohibits drivers of suburban buses from smoking.

G 59 TX. Code Section 31-66

Provides for no-smoking signs to be placed on each oil well, storage tank, or battery of tanks within the city limits.

G 61 TX. Code Section 8-189

Prohibits any person from igniting a match, lighter, or flammable object within 50 feet of a vehicle accident.

Indianapolis, Indiana

H 1 IN. Code Section 12-126(c) (1972)

Prohibits smoking in any streetcar, bus, elevator, or public conveyance; taxicabs are excepted.

H 3 IN. Code Section 12-126(c) (1972)

Prohibits smoking in elevators.

H 4 IN. Code Section 20-203 (1987)

Prohibits smoking in any local government building in all public service areas (any room, corridor, or confined area where the public is required to direct or transact business with local government officials).

H 6 IN. Code Section 12-126(d)(2) (1972)

Prohibits smoking in bed in a hospital.

H 7 IN. Code Section 12-126(d)(2) (1972)

Prohibits smoking in bed in a hotel.

H 10 IN. Code Section 20-204 (1987)

Prohibits smoking in any public assembly area of any local government building, except in designated smoking areas (any room regularly used for public meetings conducted by officials of Indianapolis).

H 12 IN. Code Section 20-201 (1987)

Generally restricts smoking in certain public buildings. (Specific restrictions on other summaries.)

H 15 IN. Code Section 12-126(b)(1) (1972)

Prohibits smoking in retail selling establishments.

H 16 IN. Code Section 12-126(b)(3) (1972)

Prohibits smoking in all "Educational Occupancies" (no definition provided for these terms in the ordinance).

H 51 IN. Code Section 12-240(b) (1972)

Prohibits smoking by any person in charge of a vehicle containing explosives.

H 52 IN. Code Section 12-196(3) (1972)

Prohibits smoking in rooms containing a dusty atmosphere.

H 53 IN. Code Section 12-240(a) (1972)

Prohibits any person in charge of a vehicle containing explosives from smoking. Section 12-248 prohibits smoking while handling explosives.

H 54 IN. Code Section 12-432 (1972)

Prohibits smoking in rooms where film is stored or handled.

H 58 IN. Code Section 12-378 (1972)

Prohibits smoking in rooms where flammable materials are kept.

H 65 IN. Code Section 12-310 (1982)

Prohibits smoking in any area used for the storage of flammable finishes or in any finishing room. Section 12-378 prohibits smoking in all buildings that contain flammable liquids.

Jacksonville, Florida

I 5 Jacksonville, FL., Code Section 614.125, Supp. 4 (1983)

Smoking is prohibited in the Veterans Memorial Coliseum except in restrooms and designated smoking areas.

I 8 Jacksonville, FL., Code Section 614.125, Supp. 4 (1983)

Smoking is prohibited in public libraries.

I 11 Jacksonville, FL., Code Section 447.202 (1983)

Smoking is prohibited in places of assembly where the Fire Marshall deems it a public hazard, smoking is also prohibited. In such cases, regulation signs must be posted marking the area nonsmoking.

I 17 Jacksonville, FL., Code Section 614.125, Supp. 4 (1983)

Smoking is allowed by performers as part of a theatrical production or during private gatherings or affairs not open to the general public. Violation is punishable by a fine not more than \$25, imprisonment for up to 10 days, or both.

I 24 Jacksonville, FL., Code Section 447.202 (1983)

Smoking is prohibited in any area where conditions are such as to make smoking a hazard such as any areas of warehouses, stores, industrial plants, institutions, or places where combustible materials are stored or handled.

I 50 Jacksonville, FL., Code Section 446.114 (1983)

Where smoking is permitted, there shall be provided suitable, noncombustible ash trays or match receivers.

I 51 Jacksonville, FL., Code Section 431.107 (h) (1983)

No person shall smoke, carry matches, or any other flame producing device while in or near a vehicle transporting explosives.

I 52 Jacksonville, FL., Code Section 434.103 & Section 441.103 (1983)

Smoking is prohibited in any room containing a dusty atmosphere, such as lumberyards and woodworking plants.

I 53 Jacksonville, FL., Code Section 431.106, Section 431.107, Section 431.109, Section 435.914, & Section 431.112 (1983)

Smoking is prohibited in the area of explosives and facilities for mixing blasting agents, and in or near a vehicle transporting explosives.

I 63 Jacksonville, FL., Code Section 447.202 (1983)

Smoking is prohibited in any area where conditions are such as to make smoking a hazard such as any areas of warehouses, stores, industrial plants, institutions, or places where combustible materials are stored or handled.

I 64 Jacksonville, FL., Code Section 447.202 (1983)

Smoking is prohibited in any area where conditions are such as to make smoking a hazard i.e., any areas of piers, wharves, sheds, warehouses, stores, industrial plants, institutions, or places where combustible materials are stored or handled.

I 65 Jacksonville, FL., Code Section 434.103 & 435.607 (1983)

Smoking is prohibited in any room where flammable materials are kept.

Smoking is prohibited in finishing rooms or any area used for the storage of flammable finishes.

I 67 Jacksonville, FL., Code Section 447.202 (1983)

Smoking is prohibited in any area where conditions are such as to make smoking a hazard such as any areas of industrial plants, institutions, and buildings under construction.

I 86 Jacksonville, FL., Code Section 480.111 (1983)

It is prohibited to sell, barter, give, exchange, or otherwise distribute any cigarette, cigar, pipe, cigarette rolling papers, tobacco, smoking herb, or any other smoking material, to any person under the age of 18 years. Ignorance or misrepresentation of the age of a recipient of any of the smoking materials shall not be a defense to a prosecution.

I 90 Jacksonville, FL., Code Section 480.111 (1983)

I 91

It is prohibited to sell, barter, give, exchange, or otherwise distribute any cigarette, cigar, pipe, cigarette rolling papers, tobacco, smoking herb, or any other smoking material, to any person under the age of 18 years. Ignorance or misrepresentation of the age of a recipient of any of the smoking materials shall not be a defense to a prosecution.

I 93 Jacksonville, FL., Code Section 480.111 (1983)

Signs reflecting the sale and use of tobacco products to minors shall be prominently posted at all times. Violation shall be punishable by \$500 fine, 90 days in jail, or both.

Los Angeles, California

J 5 Los Angeles, CA. Ordinance 162989 (approved 1987) (amending Section 41.50 of Los Angeles, CA., Code)

Prohibits smoking in public arenas, gymnasiums, or other building designed for observing sports events. Lobbies are excepted.

J 6 Los Angeles, CA. Code Section 41.50 (as amended by Ord. No. 159498 (1984))

Prohibits smoking in health care facilities open to visitors. Enclosed areas, set aside and designated as smoking areas are excepted.

J 8 Los Angeles, CA. Code Section 41.50 (as amended by Ord. 162989 (1987))

Prohibits smoking in indoor areas of public libraries.

J 10 Los Angeles, CA. Code Section 41.50 (as amended by Ord. 159498, (1984))

Prohibits smoking in meeting and assembly places open to the general public as participants or

- spectators. A smoking area permitted by the statute is excepted.
- J 12 CA. Code Section 41.50 (1984)**
 Institutes a general prohibition on public smoking in specified areas. (See other summaries for details).
- J 13 CA. Code Section 41.50 (as amended by Ord. 162989 (1987))**
 Prohibits smoking in certain areas of restaurants having a seating capacity of greater than 50 persons. Bars and rooms being used for private functions are excluded.
- J 15 CA. Code Section 41.50 (as amended by Ord. 159498 (1984))**
 Prohibits smoking in any retail food marketing establishments including grocery stores and supermarkets. Areas set aside for serving food and drink, restrooms, offices, and areas not open to the public are excepted.
- J 16 CA. Code Section 41.50 (as amended by Ord. 162989 (1987))**
 Prohibits smoking in areas of private elementary and private secondary schools normally occupied by children.
- J 17 CA. Code Section 41.50 (as amended by Ord. 162989 (1987))**
 Prohibits smoking in any building open to the public for the primary purpose of exhibiting any motion picture, stage production, musical recital, or other event open to public spectators.
- J 18 CA. Code Section 41.50 (as amended by Ord. 162989 (1987))**
 Prohibits smoking in any indoor polling place.
- J 20 CA. Code Section 41.50 (as amended by Ord. 162989 (1987))**
 Prohibits smoking in any airport, train, and bus depot, waiting areas or ticket lines.
- J 23 CA. Code Section 41.50 (as amended by Ord. 162989 (1987))**
 Prohibits smoking in any private day care facility or any private residences licensed as a private day care facility.
- J 25 CA. Code Section 41.50 (amended by Ord. No. 159, 498 (1984))**
 Provides for nonsmoking areas of not less than two-thirds of the seating capacity or floor space of cafeterias and lunchrooms.
- J 27 CA. Code Section 41.50 (enacted by Ord. 159, 498 (1984))**
 The employer must provide a statement that, in any dispute arising between smokers and nonsmokers, an effort will be made to accommodate the desires of both parties.
- J 30 CA. Code Section 41.50 (amended by Ord. 159, 498 (1984))**
 Provides that an employer who makes reasonable efforts to develop and promulgate a policy regarding smoking and nonsmoking shall be deemed in compliance with the act. Designating the entire workplace as a smoking area is excepted.
- J 32 CA. Code Section 41.50 (amended by Ord. 159, 498 (1984))**
 Provides that a minimum of two-thirds of a lounge must be a nonsmoking area.
- J 33 CA. Code Section 41.50 (amended by Ord. 159, 498 (1984))**
 An employer need not incur any expense to make structural or physical modifications in providing smoking areas.
- J 34 CA. Code Section 41.50 (amended by Ord. 159, 498 (1984))**
 Institutes a general requirement that certain areas of the workplace be designated as nonsmoking areas.
- J 35 CA. Code Section 41.50 (amended by Ord. 159, 498 (1984))**
 Requires that the employer communicate the smoking policy to employees within three weeks after date of adoption, and to future employees at the time of entry into employment.
- J 36 CA. Code Section 41.50 (amended by Ord. 159, 498 (1984))**
 Prohibits smoking in restrooms in the workplace.
- J 39 CA. Code Section 41.50 (amended by Ord. 159, 498 (1984))**
 Requires the employer to post no-smoking signs in nonsmoking areas.
- J 41 CA. Code Section 41.50 (amended by Ord. 159, 498 (1984))**
 Requires employers to adopt, implement, and maintain a written smoking policy containing minimum requirements (listed in other summaries).

J 42 CA. Code Section 41.50 (amended by Ord. 159, 498 (1984))

An employer who fails to adopt a smoking policy or who fails to post signs in any area designated under this Article as a nonsmoking area shall be in violation of this Article. Violation is punishable as a misdemeanor.

J 45 CA. Code Section 41.50 (amended by Ord. 159, 498 (1984))

Prohibits smoking in nurses aid stations or other similar facilities for treatment of employees.

J 58 CA. Code Section 57.100.37

Prohibits smoking in any public garage or on auto fueling station premises.

J 68 CA. Code Section 21.8.11 (1964)

Provides that the city may recover unpaid tax from any user or retailer of cigarettes who has not complied with the ordinance.

J 69 CA. Code Section 21.8.3 (1964)

Provides that the retailer shall collect the tax from the purchaser at the time of purchase. The retailer is then liable to the city for the amount collected.

J 76 CA. Code Section 21.8.6 (1964)

Provides that delinquent tax payments are subject to interest and penalties as provided in Section 21.05 for delinquency in payment of business tax.

J 77 CA. Code Section 21.8.9 (1964)

Provides that every retailer of cigarettes must keep all records necessary to determine the amount of the tax for a period of four years. The city clerk has the right to inspect the records.

J 78 CA. Code Section 21.8.10 (1964)

Provides for a tax refund if the tax was overpaid, paid more than once, or wrongly collected.

J 79 CA. Code Section 21.8.5 (1964)

Provides that each retailer must register with the city clerk and obtain a "Cigarette Tax Registration Certificate." The certificate must state the retailer's name, address of the retailer's place of business, and the date the certificate was issued. The certificate must be posted in a conspicuous place.

J 81 CA. Code Section 21.8.2 (1964)

Provides that a tax is imposed on cigarettes in the city of Los Angeles in the amount of two mills per cigarette (\$.002) from September 30, 1967.

Memphis, Tennessee

K 1 TN. Code Section 20-25 (1986)

Prohibits smoking on all Memphis Area Transit Authority buses. Violation is punishable by a fine of up to \$50.

K 3 TN. Code Section 20-25 (1986)

Prohibits smoking on all public elevators. Violation is punishable by a fine of up to \$50.

K 5 TN. Code Section 20-25 (1986)

Prohibits smoking in Mid South Coliseum, the Auditorium South Hall, and the Dixon-Meyers Hall, and the Auditorium stage area. Lobbies are excepted.

K 6 TN. Code Section 20-25 (1986)

Prohibits smoking in hospital lobbies and waiting rooms.

K 7 TN. Code Section 20-25 (1986)

Prohibits smoking in hotels.

K 10 TN. Code Section 20-25 (1986)

Prohibits smoking in Cook Convention Center.

K 11 TN. Code Section 20-25 (1986)

Prohibits smoking in areas designated as nonsmoking areas in hospital lobbies and waiting rooms.

K 12 TN. Code Section 20-25 (1986)

Institutes a general prohibition in certain public areas. (See other summaries for specific areas).

K 13 TN. Code Section 20-25 (1986)

Prohibits smoking in all public and private restaurants. Restaurants with adequate nonsmoking areas, and rooms being used for private functions are excepted.

K 15 TN. Code Section 20-25 (1986)

Prohibits smoking in all enclosed public areas of any merchandising store with more than five employees. Owner may establish a smoking area in nonshopping areas; tobacco stores are excluded.

K 16 TN. Code Section 20-25 (1986)

Prohibits smoking in theaters.

K 70 TN. Code Section 36-43 (1967)

Provides that the wholesaler should add the cigarette tax for cigarettes sold by retailers within the city. The retailer should charge the tax paid to the consumer.

- K 75 TN. Code Section 36-51 (1967)**
Exempts cigarettes bought by military personnel in any military establishment from taxation.
- K 77 TN. Code Section 36-49 (1967)**
Provides that city officials have access at all reasonable times to all records of wholesalers which are pertinent to determination and collection of the tax.
- K 78 TN. Code Section 36-47 (1967)**
Provides a refund on unsellable stamps or for stamps on unsellable products.
- K 80 TN. Code Section 36-46 (1967)**
Requires the wholesaler to affix stamps showing the tax payment on each pack of cigarettes before delivery to the retailer.
- K 81 TN. Code Section 36-42 (1967)**
Provides for a cigarette tax of 1¢ per 20 cigarette pack.

Milwaukee, Wisconsin

- L 1 WI. Code Section 98-15 (1979)**
Prohibits smoking on a public bus operated by the City of Milwaukee. Violation is punishable by a fine of \$10 to \$50.
- L 17 WI. Code Section 105-49 (1943)**
Prohibits smoking in theaters or motion picture theaters. Violation is punishable by a fine of \$10.
- L 90 WI. Code Section 106-30(3) (1956)**
Makes it illegal for any person to permit a person under 16 years of age to use cigarettes in or upon premises occupied by him. Violation is punishable by a maximum fine of \$10 for the first offense and \$35 for the second offense.
- L 91 WI. Code Section 106-30(2) (1956)**
Prohibits any person from selling cigarettes to any minor under 16 years of age. Violation is punishable by a fine of \$25 to \$100.
- L 94 WI. Code Section 106-30(4) (1956)**
The text was not included only a notice that the ordinance was being renumbered. (The ordinance relates to cigarette vending decals and the sale of tobacco to minors).

New York, New York

- M 1 NY. Code Section 17-503 (a)1 (1988)**
Prohibits smoking in all public transportation facilities including ticketing, boarding, and waiting areas of depots.
- M 2 NY. Code Section 17-503 (a)(2) (1988)**
Prohibits smoking on all public means of mass transportation, buses, subways, vans, and for-hire vehicles required to be licensed by the city, i.e., taxi cabs.
- M 3 NY. Code Section 17-503 (a)(15) (1988)**
Prohibits smoking on elevators.
- M 5 NY. Code Section 17-503 (a)(8) (1988)**
Prohibits smoking in concert halls and auditoriums. Adjacent areas designed for smoking are excepted so long as an area includes no more than 50 percent of the lobby.
- Section 17-503 (a)(10) prohibits smoking in sports arenas (including bowling alleys). An adjacent area is excepted if area does not amount to over 50 percent of the lobby. This does not apply to the area in the bowling alley directly behind the scoring area.
- M 6 NY. Code Section 17-503 (a)(12) (1988)**
Prohibits smoking in public health care facilities including hospitals, clinics, physical therapy facilities, convalescent homes, and homes for the aged. Offices, lounges designed for smoking, and areas in dining rooms where smoking is not otherwise prohibited are excepted.
- M 7 NY. Code Section 17-503 (a)(6) (1988)**
Prohibits smoking in hotels and motels with 15 or more employees. Does not apply to private areas. Smoking area 25 feet from main desk is excepted so long as the smoking area does not include greater than 50 percent of the lobby.
- M 8 NY. Code Section 17-503 (a)(7) (1988)**
Prohibits smoking in libraries.
- M 9 NY. Code Section 17-503 (a)(7) (1988)**
Prohibits smoking in museums and galleries.

M 10 NY. Code Section 17-503 (a)(9) (1988)

Prohibits smoking in convention halls. Smoking may be permitted in a contiguous area so long as it constitutes no more than 50 percent of seating capacity or floor space; in contiguous area so long as it constitutes no more than 50 percent of the lobby; and at conventions of private groups where persons participating are individually identified by the sponsor or organizer of the convention.

Section 17-503 (a)(11) prohibits smoking in public meeting places when the meeting is conducted for educational, religious, recreational, or political purposes; private homes are excepted.

M 12 NY. Code Section 17-503 (1988)

Institutes a general prohibition against smoking in specified public places. (See individual summaries for specific places).

M 13 NY. Code Section 17-503 (a)(5) (1988)

Prohibits smoking in restaurants with a seating capacity of greater than 50. Bars and a contiguous smoking area that does not take up more than 50 percent of the seating capacity are excepted. Proprietor may exceed the 50 percent smoking maximum by 10 percent if a party of greater than 6 request to be seated and the only available seats are in the nonsmoking section.

M 14 NY. Code Section 17-503 (a)(3) (1988)

Prohibits smoking in public restrooms.

M 15 NY. Code Section 17-503 (a)(4) (1988)

Prohibits smoking in retail stores which accommodate more than 150 persons, or employ more than 15 people. Tobacco products retail stores are excepted.

M 16 NY. Code Section 17-503 (a)(13), (14) (1988)

Prohibits smoking in all pre-primary, primary, and secondary schools. Areas designated for smoking in employee dining areas, lounges, or administrative offices are excepted.

Section 14 summary: prohibits smoking in all schools not covered in Section 13, such as colleges. Designated employee smoking areas such as dining areas, lunchrooms, and lounges are excepted. Smoking areas in student dining areas or lounges are excepted provided that the area does not constitute more than 50 percent of the seating area or floor space.

M 17 NY. Code Section 17-503 (a)(8) (1988)

Prohibits smoking in theaters. Smoking area of less than 50 percent of the lobby is excepted.

M 21 NY. Code Section 17-503 (a)(11) (1988)

Prohibits smoking in places of public assembly when the meeting is being conducted for religious purposes.

M 22 NY. Code Section 17-503 (a)(6) (1988)

Prohibits smoking in business establishments employing more than 15 employees including banks.

M 25 NY. Code Section 17-504 (b)(5) (1988)

Provides that nonsmoking areas of cafeterias and lunchrooms shall constitute at least 50 percent of seating capacity or floor space (whichever is greater).

M 26 NY. Code Section 17-504 (b)(3) (1988)

Prohibits smoking in auditoriums and classrooms.

M 27 NY. Code Section 17-504 (b)(5) (1988)

Provides for establishment of a procedure to resolve disputes caused by an employee's desire to work in a smoke-free environment.

M 28 NY. Code Section 17-504 (b)(3) (1988)

Prohibits smoking in conference rooms and meeting rooms (unless all present consent).

M 29 NY. Code Section 17-504 (b)(1) (1988)

Allows an employee to designate his or her work area as a nonsmoking area (not less than 8 feet from smoking area).

M 31 NY. Code Section 17-504 (b)(3) (1988)

Prohibits smoking in hallways and elevators.

M 32 NY. Code Section 17-504 (b)(4) (1988)

Requires that at least 50 percent of each employee lounge be designated as a nonsmoking area.

M 34 NY. Code Section 17-504 (1988)

Requires the establishment of certain nonsmoking areas in the workplace. (See other summaries for details).

M 35 NY. Code Section 17-504 (1988)

Requires an employer to furnish each employee with a copy of the smoking policy.

M 36 NY. Code Section 17-504 (b)(3) (1988)

Prohibits smoking in restrooms.