



San Francisco Tobacco Control Laws

(Revised March 2019)

PROTECTION FROM SECOND HAND SMOKE

Smoke-free Workplaces, Restaurants, & Bars: [CA Labor Code 6404.5, \(2016\)](#). This State law prohibits smoking in enclosed workplaces, restaurants, and bars, including owner operated businesses. Restaurants and bars must post "No-Smoking" signs and remove ashtrays. [SF Health Code Article 19F, Sec 1009.22 \(2010\)](#). No smoking where food is served in outdoor dining areas of restaurants, cafes and coffee shops. No smoking in all bars. For more information call (415) 581-2400. Enforcement: Department of Public Health, San Francisco (415) 252-3903.

Smoke-free Playgrounds and Tot Lots: [CA Health and Safety Code, Sec 104495 \(2002\)](#). This State Law prohibits the smoking of tobacco products, including electronic cigarettes, within 25 feet of a playground or tot lot sandbox area. It also prohibits the disposal of tobacco-related waste (including but not limited to cigarette butts) in these areas. Enforcement: Department of Recreation and Park Patrol (415) 753-7015.

Smoke-free Entrances: [SF Health Code Article 19F, Sec 1009.22 \(2010\)](#). Smoking permitted only at curb of commercial, multi-unit residential and mixed use building entrances, exits, operable windows, and vents. If there is no curb, smoking is only permitted 15 feet or more away from entrances, exits, operable windows, and vents. Signs must be posted at entrances stating as such. [California Government Code Sections 7596-7598 \(2004\)](#). This State Law prohibits smoking of tobacco product, including electronic cigarettes, within 20 feet of main entrances, exits and operable windows of city, county and state buildings. For more information call (415) 581-2400.

Tobacco free Parks and Recreation Athletic Fields: [SF Health Code Article 19I, Sec 1009.81 \(2006\)](#). This ordinance bans smoking in unenclosed areas under the jurisdiction of the City, including parks, squares, gardens, sport or playing fields. Enforcement: Department of Recreation and Park Patrol (415) 753-7015.

Smoke-free Public Transit Vehicles, Stations, and Stops: [CA Health and Safety Code Sec 118925-118945](#) and [SF Health Code Article 19F, Sec 1009.22 \(2010\)](#). These



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ordinances ban smoking of tobacco products, including electronic cigarettes, in public transit vehicles or at public transit stops and shelters. For information call (415) 581-2400.

Smoke-free Public Golf Courses: [SF Health Code Article 19I, Sec 1009.81 \(2006\)](#). This ordinance bans smoking, including electronic cigarettes, on public golf courses. For information call (415) 753-7015.

Smoke-free Cars: [CA Health & Safety Code, Sec 118947-118949 \(2008\)](#). This state law bans smoking of tobacco products, including electronic cigarettes, in any motor vehicle in which there is a minor under 18 years old, regardless of whether the vehicle is in motion or at rest.

Smoke-free Taxis: [SF Health Code Article 19F, Sec 1009.22 \(2010\)](#). This ordinance bans smoking in taxicabs and other motor vehicles for hire.

Smoke-free Charity Bingo Games: [SF Health Code Article 19F, Sec 1009.22 \(2010\)](#). No smoking during charity bingo games. For more information call (415) 581-2400. Enforcement: Department of Public Health, San Francisco. (415) 252-3800.

Smoke-free Piers, Wharfs, Dock, Bulkhead, or Marine Facility: [SF Police Code Article 1, Sec 55 \(1944\)](#). It shall be unlawful for any person to smoke, carry or possess a lighted cigar, cigarette, or pipe, or to smoke tobacco or any other similar substance in any form, or to ignite any match or mechanical lighter on or in any wharf, pier, dock, bulkhead, or marine facility

Smoke-free Service Waiting Lines: [SF Health Code Article 19F, Sec 1009.22 \(2010\)](#). No smoking within designated areas where customers are required to wait to do business including at ATMs ticket lines, movie theater lines, athletic event lines, concert event lines, and at cab stands.

Smoke-free Tobacco Shops: [SF Health Code Article 19F, Sec 1009.22 \(2010\)](#). No smoking in tobacco shops. For more information call (415) 581-2400. Enforcement: Department of Public Health, San Francisco. (415) 252-3800.

Smoke-free Farmers Markets: [SF Health Code Article 19F, Sec 1009.22 \(2010\)](#). No smoking at all farmers markets.

Smoke-free Common Areas of Multi-Unit Residences: [SF Health Code Article 19F, Sec 1009.22 \(2010\)](#). No smoking in enclosed common areas of multi-unit residences



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including common halls, elevators, parking areas, lobbies, waiting areas, bathrooms, cooking, dining, lounge, laundry facilities, and recreation areas. Tenant smoking in their private unit must keep front door of their private unit closed while smoking. For more information call (415) 581-2400.

Enforcement: Department of Public Health, San Francisco (415) 252-3800.

Smoke-free Public Housing: [SF Public Housing Authority Admissions and Continued Occupancy Policy \(2010\)](#). All new leases will state that premises and any interior common areas, including but not limited to individual units, community rooms, community bathrooms, lobbies, reception areas, hallways, laundry rooms, stairways, offices and elevators, occupied by Resident, members of Resident's household and any guest of the Resident shall be smoke free.

Smoke-free Outdoor Events: [SF Health Code Article 19L, \(2013\)](#). Smoking is not permitted at public events on City & County property that require City & County permits, except for neighborhood block parties. Requires event organizers to notify the public that event is smoke-free. For information call: (415) 581-2400.

Disclosure of Landlord's Designation of Smoke-free and Smoking-optional Multi-Unit Rental Properties: [SF Health Code Article 19M \(2013\)](#). Landlords of multi-unit residential properties, including Single Residency Occupancy Hotels (SROs) are required to: designate all units as smoke-free or smoking-optional: include designation in vacancy listings; and provide a list of smoking-optional units before offering a unit to an applicant. Buildings with 100% smoke-free units are exempt. For information call: (415) 581-2400.

Electronic Cigarette Usage Prohibited in any Location Traditional Cigarette Usage is Prohibited: [SF Health Code Article 19N \(2014\)](#). The use of electronic cigarettes is prohibited wherever smoking of tobacco products is prohibited by law including Articles 19 et seq. of the Health Code. All limitations and requirements of tobacco availability and promotion apply to electronic cigarettes as well. [Senate Bill X2-5 \(2016\)](#). [The use of electronic cigarettes is now considered a tobacco product and usage is prohibited wherever tobacco product usage is prohibited by state law.](#)

TOBACCO PROMOTION AND SPONSORSHIP

Ban on Tobacco Advertising on City & County Property: [SF Administrative Code, Chapter 4, Sec 4.20, \(1992\)](#). This ordinance bans tobacco advertising and placement



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of names of tobacco companies or tobacco products on City & County property. E-cigarette advertising applies as well. For information call (415) 581-2400.

Ban on Tobacco Advertising in the City: [SF Police Code Article 10, Sec. 674 \(2004\)](#). No person shall place or maintain, or cause or allow to be placed or maintained, in any manner any advertising or promotion of cigarettes or tobacco products on a billboard or advertising display sign in a publicly visible location in the City.

Ban on Tobacco Promotional Items in San Francisco Schools: [SFUSD Student and Family Handbook \(2013\)](#). The San Francisco Unified School District's Dress Code prohibits the wearing and carrying of tobacco promotional items in the schools. For information call: (415) 581-2400.

Ban on Tobacco Companies Sponsoring any Athletic, Musical, Artistic, or other Social or Cultural Event: [Code of Federal Regulations, Title 21, Sec 1140.34 \(2013\)](#). No manufacturer, distributor, or retailer may sponsor or cause to be sponsored any athletic, musical, artistic, or other social or cultural event, or any entry or team in any event.

TOBACCO AVAILABILITY

Tobacco Free Pharmacies: [SF Health Article Code 19J, Sec 1009.92 \(2008\)](#). This ordinance prohibits the sales of tobacco products at pharmacies including electronic cigarettes. For information call (415) 581-2400.

Tobacco Free City & County Property: [SF Health Code Article 19K, Sec 1010.1 \(2008\)](#). This ordinance bans tobacco and electronic cigarette sales on City & County property. For more information call (415) 581-2400.

Requirement of Permit for Tobacco Sales: [SF Health Code Article 19H \(2014\) / Assembly Bill X2-11 \(2016\)](#). These ordinances require that anyone who engages in or allows tobacco product sales to obtain a valid permit from the Department of Public Health and Board of Equalization. These permits must be renewed annually and permitted establishments must comply with all tobacco control laws listed throughout this document to maintain their permits. All tobacco retailers must have both a San Francisco Department of Public and Board of Equalization to sell in San Francisco.
Enforcement: Department of Public Health (415) 252-3800. SF Health Code Article



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19H was amended in 2015 to include a density element. There is now a cap of 45 permits per supervisorial district, therefore no new permits will be issued in a district with 45 or more tobacco retailers. Also, no new permits will be issued in a new location. No permits will be issued if the retail location is within 500 feet of another tobacco retailer or school.

a) Self-Service Display Ban: [SF Police Code Article 46, Sec 4600.3 \(1996\) / Senate Bill X2-5 \(2016\)](#). These ordinances prohibit self-service displays of tobacco products. A self-service display is a rack, shelf or kiosk that holds tobacco products such as cigarettes or containers of chewing tobacco that the public has access to without a clerk's help. For more information call (415) 581-2400.

c) Increasing of Minimum Purchasing Age: [SF Health Code Article 19H \(2016\) / Senate Bill X2-7 \(2016\)](#). These ordinances increase the minimum purchasing age of all tobacco products from 18 to 21 years of age. The focus of enforcement will be on the sale of tobacco products NOT the possession or use of tobacco products by young people.

Ban on Cigarette Vending Machines: [SF Health Code Article 19D, Sec 1009.1, \(1997\)](#). This San Francisco ordinance bans cigarette vending machines in the City & County of San Francisco including vending machines located in places where minors are not permitted by law such as bars. For more information call (415) 581-2400. Enforcement: Department of Public Health (415) 252-3800.

Illegal Sale of Tobacco to Minors: [CA Penal Code 308, \(2016\)](#). This state law prohibits retailers from selling tobacco products to persons under 21 years of age. This includes the sale of cigarette papers and paraphernalia that is designed for the use of tobacco or any controlled substance. Enforcement: call (415) 970-3062. To report sales to minors call: 1-800-527-5443.

Ban on Free Distribution of Tobacco Products or Coupons: [SF Police Code, Article 1, Sec 95 \(1988\)](#). This San Francisco ordinance makes it illegal to give away free samples of tobacco products in public areas. This includes coupons or other materials that can be turned in for free tobacco products. Amended in 2008 to include tobacco accessories in any place open to the public including bars and nightclubs. Enforcement: District Police Station.

Ban on Free Distribution of Tobacco Products: [CA Health and Safety Code, Section 118950](#). This State Law prohibits the distribution of free or low-cost tobacco



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products, coupons, coupon offers, and rebate offers on public grounds, and on private grounds that are open to the public. Enforcement: San Francisco Police Department (415) 970-3062. Tobacco Control Act, Section 102 (2016). This federal law prohibits the distribution of free samples of newly deemed tobacco products, as required by section 102 of the Tobacco Control Act.

Ban on sales of single cigarettes: [CA Penal Code, Sec. 308.2 \(1991\)](#). It is illegal to sell one or more cigarettes except in the manufacturer's package, sealed and properly labeled under federal labeling requirements. For more information call (415) 581-2400. Enforcement: San Francisco Police Department (415) 970-0362

Restrictions regarding the sale of "Bidi" cigarettes: [CA Penal Code, Sec 308.1 \(2002\)](#). Prohibits the sale, distribution, or importation of "Bidis" with the exception of businesses where minors are not permitted by law. Enforcement: San Francisco Police Department (415) 970-3062

Minimum Package Size: [CA Penal Code, Section 308.3 \(2002\)](#). This State law indicates that cigarettes may not be manufactured, distributed, sold, or offered for sale in packages of less than 20 cigarettes. Roll-your-own tobacco may not be manufactured, distributed, sold, or offered for sale in a package containing less than 0.60 ounces of tobacco. Enforcement: San Francisco Police Department (415) 970-3062.

Child resistant Packaging: Senate Bill X2-5 (2016). This state law requires all cartridges for electronic cigarettes and solutions for filling or refilling an electronic cigarette shall be in child resistant packaging effective October 1, 2016. "Child resistant packaging" means packaging that meets the specifications in Section 1700.15(b) of, and is tested by the method described in Section 1700.20 of, Title 16 of the Code of Federal Regulations.

Ban on the Sale of Flavored Tobacco Products: [SF Health Code, Article 19Q](#) This San Francisco ordinance makes it illegal to sell or distribute flavored tobacco products in San Francisco. Enforcement: Department of Public Health, [Environmental Health Branch](#)

TOBACCO USAGE



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Tobacco Free Ball Parks: *SF Health Code 19O (2015)/ AB-768 (2015)*. These ordinances prohibit the usage of smokeless tobacco at all sport or playing fields in San Francisco.



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