

SMOKE FREE ORDINANCE

THIS DOCUMENT PROVIDES DETAILED INFORMATION ON THE CITY OF
DESOTO'S SMOKING ORDINANCE.

TOOL KIT

Environmental Health Message

The City's new smoke-free ordinance goes into effect at 12:01 a.m. on **Friday, January 1, 2016**. In addition to smoking restrictions that already exist under state law, there will be new restrictions on smoking and vaping (use of electronic smoking devices) in many locations across the city.

Tobacco use is the leading preventable cause of death in the United States. It causes cancer, heart disease, stroke, lung diseases (such as emphysema), and diabetes. More than 20 million people in the United States have died from smoking-related diseases since 1964, including 2.5 million nonsmokers as a result of exposure to secondhand smoke. This ordinance addresses a major threat to public health by reducing exposure to secondhand smoke and encouraging smokers to quit.

As this ordinance was passed in the interest of public health, the DeSoto Health Department is the lead agency for its implementation. We want to work with you to ensure a successful launch of this major public health initiative that will improve the health of our community for years to come.

This toolkit is intended to assist you in understanding and complying with the ordinance, as well as educating your employees and patrons about the ordinance. The toolkit includes an overview of the ordinance and frequently asked questions, an implementation checklist, a model "no smoking or vaping" sign, employee training material, resources to help smokers quit, and more. We hope that this toolkit will be helpful as you transition your business to a smoke-free environment.

The Health Department will update this toolkit as the City moves forward with implementing the ordinance. Going forward, we welcome your input on this public health issue. Contact us by phone at 972.230.9600.

Sincerely,

Jimmy Stephens

Jimmy Stephens, RS, MS
DeSoto Environmental Health Manager

Frequently Asked Questions

Why is this ordinance important?

This ordinance protects the public's health by reducing exposure to secondhand smoke and encouraging smokers to quit. Tobacco use is the leading preventable cause of death in the United States. It causes cancer, heart disease, stroke, lung diseases (such as emphysema), and diabetes. More than 20 million people in the United States have died from smoking-related diseases since 1964, including 2.5 million nonsmokers as a result of exposure to secondhand smoke.

As a business owner or employer, how do I comply with the ordinance?

- Post no smoking signs. Please see page 8 of this toolkit for guidance on required signage.
- Remove ashtrays.
- Ask individuals smoking or vaping on the premises in violation of the ordinance to stop.
- If an individual does not stop, refuse service and ask the individual to leave the premises.

How do I report noncompliance?

- Call the DeSoto Action Center 972.230.9600
- Submit service request at <http://desototexas.gov> (health – general health violation)

What are the possible penalties for noncompliance?

Business Owners/Managers/Employers: Not to exceed \$2,000 per offense

Individuals: Not to exceed \$2,000 for each violation

Each day a violation occurs or continues is a separate offense.

What places are exempt from the ordinance?

Private residences unless used as childcare, adult daycare, private vehicles, all outdoor work areas, construction sites, temporary offices such as trailers, worksite restroom facilities and vehicles, cigar lounges and vape shops where 51% of sales are from vape devices and/or substances

Where Smoking is Prohibited

Indoors

Bars	NO SMOKING
Restaurants	NO SMOKING
Hotels and motels, including private rooms	NO SMOKING
Workplaces	NO SMOKING
Schools, both public and private	NO SMOKING
Private clubs	NO SMOKING
Common areas of multi-unit housing (apartments and condos)	NO SMOKING
Buildings and vehicles owned and operated by the City	NO SMOKING
Child care and adult day care facilities	NO SMOKING
Retail stores and retail service businesses	NO SMOKING
Retail tobacco stores	NO SMOKING
Private homes and vehicles	PERMITTED
Cigar lounges	PERMITTED
Parking Structures (garages)	NO SMOKING
Private rooms of nursing homes	NO SMOKING
Gaming facilities (bowling and billiard facilities)	NO SMOKING
Service lines, including but not limited to voting and banking	NO SMOKING
Common areas of hospitals and nursing homes	NO SMOKING

Outdoors

Workplaces, such as construction sites	PERMITTED
Closer than 50' from any entrance into a building	NO SMOKING
Sporting complexes, stadiums, amphitheaters & bleachers	NO SMOKING
Festivals and parades	NO SMOKING
Parks with playground equipment and pavilions	NO SMOKING
Outside dining courtyards and patios	NO SMOKING
All other outdoor locations	PERMITTED

Resources to Quit Smoking

Yes! I'm Ready to Quit – Texas Department of State Health Services

<http://www.dshs.state.tx.us/tobacco/quityes.shtm>

Quit Smoking Resources CDC

http://www.cdc.gov/tobacco/quit_smoking/how_to_quit/resources/index.htm

Quit Smoking Resources – American Heart Association

http://www.heart.org/HEARTORG/GettingHealthy/QuitSmoking/QuittingResources/Resources-for-Quitting-Smoking_UCM_307934_Article.jsp#.Vi4-Jk2FOUk

Quit Smoking Resources (University of Texas)

<http://www.utexas.edu/tobaccofree/resources.php>

Smokefree.gov

<http://smokefree.gov/>

Implementation Checklist

Before January 1, 2016

- **Learn about the ordinance and how it affects your business.** Read this toolkit and provide feedback on regulations the City is developing to implement the ordinance.
- **Plan how the ordinance will be implemented in your business.** Understand what the ordinance requires and ensure those provisions are implemented.
- **Discuss the ordinance with your employees.** Explain how the ordinance affects your business using routine methods, such as staff meetings, payroll stuffers, break room posters, or emails. If you have employees who smoke, explain where and when they may smoke during work hours. If you have employees who are open to quitting, provide them with the list of the resources to quit smoking found in this toolkit.
- **Train your employees to implement the ordinance.** Train staff on the new requirements and the protocol for handling customers who are not following the ordinance. Help them prepare what to say to customers who smoke. This tool toolkit has information to assist you in training your employees.
- **Print required signs and educational materials.** Please see page 8 of this toolkit for information on required signage.

On January 1, 2016

- Post the required no smoking or vaping signs. Hang signs in plain view at or near entrance.
- Remove all ashtrays and other smoking receptacles. All receptacles used to extinguish or dispose of a tobacco product should be removed from areas where smoking is prohibited.
- Direct individuals smoking or vaping in a prohibited area to follow the ordinance. Ask individuals who are smoking or vaping in violation of the ordinance to stop or step outside. If the individual continues to smoke or vape in violation of the ordinance, refuse service and ask the individual to leave.

After January 1, 2016

- Continue to comply with the ordinance. Ensure that required signs are posted, ashtrays are removed, and smoking and vaping is prohibited in your business.
- Keep information and resources on hand, and keep this toolkit and other resources available for easy reference.
- Provide continual support for employees. Train new employees on the ordinance. Remind employees about the availability of resources to quit smoking.

The City of DeSoto is available to assist you in the process and answer any questions.

Call 972.230.9600 or go to <http://desototexas.gov/>

Signage Requirements for No Smoking or Vaping

The owner, operator, manager, or other person in control of a place of employment, public place, private club, or residential facility where smoking is prohibited by this article shall:

- (1) Clearly and conspicuously post “No Smoking” signs or the international “No Smoking” symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) in that place;
- (2) Clearly and conspicuously post at every entrance to that place a sign stating that smoking is prohibited or, in the case of outdoor places, clearly and conspicuously post “No Smoking” signs in appropriate locations as determined by the city health inspector or an authorized designee;
- (3) Clearly and conspicuously post on every vehicle that constitutes a place of employment under this article at least one sign, visible from the exterior of the vehicle, stating that smoking is prohibited;
- (4) Remove all ashtrays from any area where smoking is prohibited by this article, except for ashtrays displayed for sale and not for use on the premises.

Examples of approved signage



Information for Employees

Background

The City's new smoke-free ordinance goes into effect at 12:01 a.m. on January 1, 2016. There will be new restrictions on smoking and vaping (use of electronic smoking devices) in many locations across the city. This ordinance was passed to protect your health and the health our customers. Tobacco use is the leading preventable cause of death in the United States. It causes cancer, heart disease, stroke, lung diseases (such as emphysema), and diabetes. More than 20 million people in the United States have died from smoking-related diseases since 1964, including 2.5 million nonsmokers as a result of exposure to secondhand smoke.

Requirements

Under the new ordinance, smoking and vaping will be prohibited at this establishment. We are required by law to:

- Remove all ashtrays
- Post no smoking/vaping signs
- Direct individuals who are smoking or vaping in violation of the ordinance to stop or leave

What should I do if a customer is smoking or vaping in violation of the ordinance?

Most smokers want to follow the rules and want to know when smoking is allowed or prohibited. You can communicate the law to customers who may not know about the new ordinance. Using gentle, positive, and clear messages will help avoid bad feelings.

Examples:

- "City ordinance no longer allows smoking or vaping in here. I'm sorry, but you will have to step outside to smoke or vape."
- "The new smoke-free ordinance prohibits smoking in here. Thank you for your cooperation."
- "We are under a smoke-free ordinance that prohibits smoking in here. I need to ask you to put out your cigarette."

Tips:

- Speak respectfully.
- Direct the smoker to the nearest place he or she can smoke.
- If the smoker refuses to comply, let the manager on duty handle it. If necessary, use normal protocol for removing a disruptive customer from your premises.