

Smoking Prohibitions
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Statewide Smoking Prohibitions in Effect as of May 31, 2007

Research by Patrick Regan

State	Smoking Ban	Where Applicable?	Restaurants Included?	Exceptions of Note
1. <i>Alabama</i>	ALA. CODE § 22-15A-4 (1975)	Public places and meetings	Included in definition of public place	Bars/lounges; signs may be posted for smoking areas
2. <i>Alaska</i>	ALASKA STAT. § 18.35.305	Several locations	Listed as a food service establishment that has a seating capacity of at least 50 persons	Smoking areas permitted, signs must be posted
3. <i>Arizona</i>	ARIZ. REV. STAT. § 36-601.01	Public places and places of employment	Restaurants and bars are included in definition	Outdoor patios
4. <i>Arkansas</i>	Various statutes	Several Locations	No	
5. <i>California</i>	CAL. HEALTH & SAFETY CODE § 118875-118915	Public buildings, work place	Restaurants in public buildings with seating for 50 or more people	Smoking of tobacco prohibited in 20% of space in every restaurant, signs posted
6. <i>Colorado</i>	COLO. REV. STAT. § 25-14-204	Indoor areas, work place	Food service establishment specifically listed	Smoke free work area required in places exempt from ban
7. <i>Connecticut</i>	CONN. GEN. STAT. § 19a-342	Several locations listed	Restaurants specifically listed	Outdoor seating areas
8. <i>Delaware</i>	DEL. CODE ANN. tit. 16, § 29-2903	Indoor enclosed area	Restaurants licensed by the Dept. of Public Health	Specific exceptions listed, signs required warning smoking permitted
9. <i>District of Columbia</i>	D.C. CODE ANN. § 7-1703	Several locations listed	Restaurant specifically included in list	Any bar or restaurant with 50 or more seating capacity, at least 25% non-smoking; bar seating not included in calculation of seats
10. <i>Florida</i>	FLA. STAT. ch. 386.204	Enclosed indoor workplace	Not specifically mentioned but fits definition	Stand alone bars
11. <i>Georgia</i>	GA. CODE ANN. § 31-12A-4	Enclosed public places, enclosed places of employment	Eating establishment, which gives or offers for sale food to the public, guests, or employees. The term shall include a bar area within any restaurant.	Bars and restaurants that deny access to anyone under 18 and don't employ anyone under 18; private rooms with ventilation
12. <i>Hawaii</i>	HAW. REV. STAT. § 328K-2	Certain places open to public	Specifically included, restaurant must have a non-smoking area	Owner may make entire restaurant smoke free; small businesses exempt-restaurant that is entirely smoking must post signs
13. <i>Idaho</i>	IDAHO CODE § 39-5503	Public places	Included in definition of a public place	Bars; may be designated smoking area in entirety

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14. Illinois	410 ILL. COMP. STAT. 80/	Public places	Restaurants included in definition of public place	Designated smoking areas
15. Indiana	IND. CODE § 16-41-37-4	Various places listed	Dining area of restaurant designated as non-smoking area	
16. Iowa	IOWA CODE § 2-142B.2	Public places and meetings	Restaurants with seating capacity >50 included in definition of public place	Designated smoking areas; only bars can be designated smoking areas in entirety
17. Kansas	KAN. STAT. ANN. § 21-4009	Public places-enclosed indoor areas	Included in definition of public place	Designated smoking areas
18. Kentucky	NO	STATEWIDE	SMOKING	BAN
19. Louisiana	LA. REV. STAT. ANN. § 40:1300.256	public place and enclosed area within a place of employment	Restaurants included in definition of public place	Bars and outdoor areas
20. Maine	ME. REV. STAT. ANN. tit. 22, § 1542	Enclosed public places	Not specifically mentioned, definition of public place broad	There used to be a smoking prohibition in restaurants, repealed 1999
21. Maryland	Clean Indoor Air Act 2007	Indoor areas open to the public	Includes places licensed to sell liquor	Begins February 1, 2008
22. Massachusetts	MASS. GEN. LAWS ch. 270, § 22	Various locations	Restaurants specifically listed	Specific exceptions listed
23. Michigan	MICH. COMP. LAWS § 333.12603	Public place or meeting	Food service establishments included	Designated smoking areas permitted based on size of seating
24. Minnesota	MINN. LAWS 144.414	Public place or meeting areas	Public place specifically includes restaurants	Designated smoking areas
25. Mississippi	NO	STATEWIDE	SMOKING	BAN
26. Missouri	MO. REV. STAT. 191.767	Public place or meeting areas	Public place is an enclosed indoor area; restaurant probably included, although separate definition for restaurant exists	Designated smoking areas; no more than 30% of space may be smoking area; restaurants/bars that seat less than 50 people
27. Montana	MONT. CODE ANN. § 50-40-104	Enclosed public areas	Restaurants included in definition	Bars until 9/30/09
28. Nebraska	NEB. REV. STAT. § 71-5707	Public place or meeting place	Restaurants included in definition of public place	Designated smoking areas
29. Nevada	NEV. REV. STAT. § 202.2483	Indoor places of employment	Indoor areas within restaurants specifically included	Stand alone-bars, taverns and saloons-food service incidental to operation
30. New Hampshire	N.H. REV. STAT. ANN. § 155:66	Enclosed places of public access	Restaurants included in definition	Restaurants w/ seating for <50; specific areas primarily serve alcohol

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31. <i>New Jersey</i>	N.J. STAT. ANN. § 26:3D-58	Indoor public place or work place	Restaurant included in definition of indoor public place	
32. <i>New Mexico</i>	Clean Indoor Air Act begins 6/15/07	Indoor work place or public place, buses	Not mentioned specifically but fits definition	Designated outdoor smoking areas
33. <i>New York</i>	N.Y. PUB. HEALTH LAW § 1399-O	Specifically listed indoor areas	Food service establishments included- includes outdoor seating areas	Outdoor dining areas of food service establishments w/o roof or ceiling enclosure; no more than 25% of outdoor seating area
34. <i>North Carolina</i>	NO	STATEWIDE	SMOKING	BAN
35. <i>North Dakota</i>	N.D. CENT. CODE § 23-12-10	Enclosed areas of public places and places of employment	Included in definition of public places	Bars, outdoor areas of places of employment
36. <i>Ohio</i>	OHIO REV. CODE ANN. § 3794.02	Public place, place of employment	Not specifically mentioned	Outdoor patios
37. <i>Oklahoma</i>	OKLA. STAT. tit. 63, § 1-1523(H)	Public place or indoor workplace	Restaurants must be totally non-smoking; designated smoking rooms permitted	Standalone bars; outdoor seating of a restaurant-not within 15 feet of exit
38. <i>Oregon</i>	OR. REV. STAT. § 433.845	Public place; places of employment	Included in definition of public places	Restaurants or designated areas of restaurants posted as off limits to minors (includes bars that are off limits to minors)
39. <i>Pennsylvania</i>	NO	STATEWIDE	SMOKING	BAN
40. <i>Rhode Island</i>	R.I. GEN. LAWS § 23-20.10-3	Enclosed public places, places of employment	Included in definition of public places	Outdoor smoking areas permitted for places of employment
41. <i>South Carolina</i>	S.C. CODE ANN. § 44-95-20	Public indoor areas specifically listed	Not included in list	Designated smoking areas
42. <i>South Dakota</i>	S.D. CODIFIED LAWS 22-36-2	Public place or place of employment	Included in definition of public place	
43. <i>Tennessee</i>	NO	STATEWIDE	SMOKING	BAN
44. <i>Texas</i>	NO	STATEWIDE	SMOKING	BAN
45. <i>Utah</i>	UTAH CODE ANN. § 26-38-3	Enclosed indoor places of public access	Included in definition of place of public access	
46. <i>Vermont</i>	VT. STAT. ANN. tit. 18, § 1742	Indoor places of public access	Included in definition of public indoor place	Work place smoking areas
47. <i>Virginia</i>	VA. CODE ANN. § 15.2-2801	Various locations	Restaurant having seating >50 shall have designated no-smoking section	Seats in bar or lounge area, and separate rooms not included in seating count

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48. Washington	WASH. REV. CODE § 70.160.030	Public place or place of employment	Included in definition of public place	
49. West Virginia	NO	STATEWIDE	SMOKING	BAN
50. Wisconsin	NO	STATEWIDE	SMOKING	BAN
51. Wyoming	NO	STATEWIDE	SMOKING	BAN

Interesting Notes:

- Alaska, Connecticut, District of Columbia, Iowa, Massachusetts, New Hampshire and New York have legislation that resembles VA HB No. 2422
- Smoking prohibition used the following terms (some states use multiple terms):
 - Public Places 22 states/ 43%¹
 - Places of public access 5 states/ 9%
 - Work/Employment places 15 states/ 29%
 - Enclosed/indoor places 19 states/ 37%
 - Specific locations listed 9 states/ 17%
- Notable exceptions applicable to Restaurants
 - Outdoor areas
 - Designated smoking areas inside restaurant
 - Designated smoking areas based on seating capacity
 - Age of patrons
 - Number of seats inside restaurant, often did not include bar area seating
 - Standalone bars, lounges-terms used in several states
 - Signs were required in many states, both to notify patrons that smoking was and was not permitted-in whole or in part of restaurant
- 9 States have no statewide smoking ban, a few states have bans that will take effect within the next year
- Most states created a smoking ban through some form of state Clean Indoor Air Act

¹ Calculated based on 50 states plus District of Columbia