

# Exceptions to Article 19F

## San Francisco Health Code 19F Definitions

The following places shall not be subject to Article 19F:

- (a) Tourist lodging facility room accommodations designated as smoking rooms, provided that the owners or managers of tourist lodging facilities shall designate at least 75 percent of the guest rooms in tourist lodging facilities as smoke free. The owners or managers of tourist lodging facilities must permanently designate particular guest rooms as smoke free and ashtrays and matches are to be permanently removed from such smoke free rooms. "No smoking" signage shall be displayed in smoke free rooms. Where possible, designated smoke free rooms shall not be located on the same floor as smoking rooms. It is recommended that smoking be relegated to the top floor with at least 50 percent of the rooms on the top floor designated as smoke free. Owners and managers of tourist lodging facilities may designate 100% of guest rooms as smoke free; if such 100% smoke free designation is made, "no smoking" signage shall only be required in the common areas on each floor of such tourist lodging facilities
- (b) Private homes, including but not limited to dwelling units, but not the common areas, of multi-unit housing complexes and mixed use buildings.
- (c) Bars and Taverns located in commercial buildings that submit to the Director within three months of the effective date of this ordinance an application and all documents required by the Director to demonstrate that the bar or tavern had no employees as of December 31, 2009. If the Director approves the application under the criteria of this subsection, the bar or tavern may allow smoking on the premises but must immediately 1) notify the Director if the establishment hires any employees, and 2) submit all documents to the Director verifying eligibility for this exemption upon request. The exemption will continue for as long as the establishment has no employees and the building where the bar or tavern is located continues to be commercial. Bars and Taverns located in mixed-use buildings that 1) have no employees as of December 31, 2009, and 2) relocate to a commercial building within two years of the effective date of this ordinance may allow smoking in their establishment after relocation to a commercial building if they submit to the Director within three months of the effective date of this ordinance an application and all documents required by the Director to demonstrate that the bar or tavern had no employees as of December 31, 2009. The application must also document that the Bar or Tavern will be located in a commercial building within two years of the effective date of this ordinance. This exemption status immediately expires if the establishment hires employees, or is no longer located in a commercial building.
- (d) Bars and Taverns located in commercial buildings that submit to the Director within three months of the effective date of this ordinance an application and all documents required by the Director to demonstrate that an area in the establishment is a historically compliant semi-enclosed smoking room and qualified as such as of December 31, 2009. If the Director denies the application because the Bar or Tavern does not comply with the above requirements, the

Director may allow the establishments to make alterations to comply with this requirement; if the Bar or Tavern completes the alterations to the Director's satisfaction, the Director may approve the application. If the Director approves the application under the criteria of this subsection, the Bar or Tavern may allow smoking in the historically compliant semi-enclosed smoking room. This exemption status is nontransferable and immediately expires if 1) there is a change in the ownership interest(s) of the Bar or Tavern, 2) the room no longer meets the definition of historically compliant semi-enclosed smoking room, 3) there are structural alterations made to the smoking room after December 31, 2009 not approved by the Director, or 4) the establishment is no longer located in a commercial building. If the Director approves the application under the criteria of this subsection, the Bar or Tavern may allow smoking in the historically compliant semi-enclosed smoking room but must immediately notify the Director of any changes that would disqualify the establishment from this exemption. For purposes of this subsection, the term "change in ownership interest(s)" means the aggregate change of 50 percent or more of the ownership of the business within a 12-month period.

- (e) Tobacco Shops that are located in commercial buildings as of December 31, 2009. To qualify for the exemption under this Section, the tobacco shop owner must submit an application and all documents required by the Director. If the Director approves the application, the tobacco shop may allow smoking on the premises. The exemption will continue for as long as the establishment continues to qualify as a tobacco shop and the building where the tobacco shop is located continues to be commercial. The tobacco shop must immediately notify the Director of any change that would disqualify the retailer from this exemption and submit all documents to the Director verifying eligibility upon request.