Where is smoking prohibited?

Smoking shall be prohibited in all enclosed public places within the City of St. Louis, including but not limited to, the following places:

- Restaurants & Bars
- Buses & Taxi cabs
- Lobbies & Elevators
- Childcare facilities
- Adult day care facilities
- Convention facilities
- Sports arenas
- Bingo facilities
- Laundromats
- Retail businesses
- Libraries
- Hotels
- Museums
- Reception areas
- Restrooms
- Shopping malls
- Hallways and other common-use areas of apartment or condominium buildings

Where is smoking permissible?

- Private residences, so long as the residence is not being used as a childcare, adult day care, or health care facility.
- Bars that have received a "Certificate of Exemption" and that have a sign posted saying "Warning: Smoking Allowed Here."
- Outdoor areas unless an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that the entire establishment, facility, or outdoor area as a nonsmoking place.
- In private clubs that have no employees and are not open to the general public and have been granted an exemption from federal income tax as a club under 26 U.S.C. Section 501.
- Retail tobacco stores used primarily for the sale of smoking materials and where more than 50% of the volume of trade or business is that of the blending of tobaccos or sales of tobaccos, cigarettes, pipes, cigars or smoking sundries. "Certificate of Exemption" required.
- Casino gaming areas of state-licensed gambling facilities.
- Hotel rooms that are designated as smoking rooms. "Certificate of Exemption" required.

Where can I find more information on the ordinance and rules governing the St. Louis City Smoke Free Air Act of 2009?

Link to Ordinance 68481:
http://www.slpl.lib.mo.us/cco/ords/data/ord8481.htm

Link to Health Commissioner's Order #1001:
http://stlouis-mo.gov/government/departments/health/environmental-health/upload/Health-Com-Order-1001.PDF

Where do I apply for a Certificate of Exemption?

The application form is available at:
http://stlouis-mo.gov/government/departments/health/environmental-health/environmental-ordinances.cfm or

City of St. Louis Department of Health
1520 Market Street, Room 4051
St. Louis, MO 63103
Phone: (314) 657-1539

After an application is received, you will be contacted for an appointment for an inspection. Appointments will be made in order of date received.

When does my Certificate of Exemption expire?

All Certificates of Exemption will expire after one year. You can annually apply for a Certificate of Exemption. Certificates granted in 2015 will expire on January 1, 2016. No bar certificates will be granted after January 1, 2016.

Where can I get the required signage?

The required signs will be available for downloading and printing at the following website:
http://stlouis-mo.gov/government/departments/health/environmental-health/environmental-ordinances.cfm

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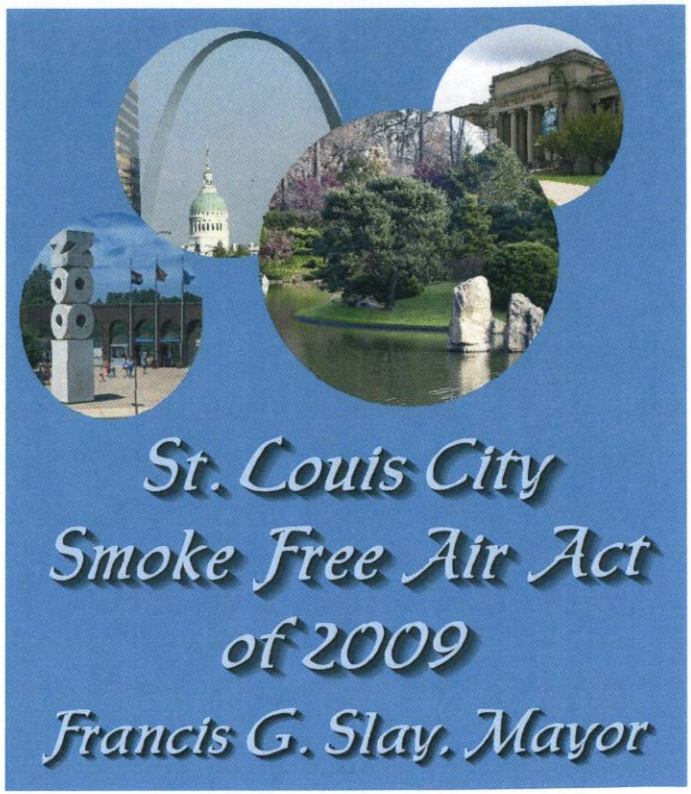

Frequently Asked Questions

Ordinance 68481

This ordinance goes into effect on January 2, 2011 at 12:01 a.m.

How will the ordinance be enforced?

The Department of Health is the agency responsible for enforcement of this law. St. Louis City inspectors will enforce this law through routine fire inspections, building inspections, and health inspections and in response to complaints to the Citizens Service Bureau.

How do I report a violation of this ordinance?

Call the Citizens Service Bureau at (314) 622-4800.

What is considered an "Enclosed Area"?

All space between a floor and ceiling that is enclosed on all sides by permanent or temporary walls or windows (exclusive of doorways), which extend from the floor to the ceiling, including tents that meet this criteria.

What happens if I get caught smoking in an area where smoking is prohibited?

A person who smokes in an area where smoking is prohibited by this ordinance shall be guilty of an infraction and may be fined $50 for each violation.

What constitutes a violation for a business?

The following constitutes an establishment's violation under the ordinance:

- Tolerance of smoking inside the premises.
- Failure to post the required "No Smoking" signs.
- Presence of ashtrays where they are accessible for indoor use. (Smoking accessories may be stored inside as long as they are not readily accessible to patrons for use.)
- Retaliation against employees, applicants or customers who exercise any rights afforded by this ordinance or report a violation of this ordinance.

What is meant by "Food is only incidental"?

It means an establishment is devoted to the serving of alcoholic beverages for the consumption by guests on the premises, and in which the food sales comprise no more than 25% of the gross revenue during that year as reported to the License Collector and Excise Division, and food sales are not reasonably expected to comprise more than 25% of gross sales going forward.

If my business has a separately ventilated, fully enclosed break room for my employees, may I allow employees to smoke within this room?

No, there is no exemption for break rooms.

What should I do if a patron smokes in my establishment?

You and your staff must advise them of the new ordinance and politely explain that they must step outside to smoke. If the customer refuses to comply, call the St. Louis Metropolitan Police Department's non-emergency line at (314) 231-1212. If you believe the situation to be an emergency call 911.

What is considered a "Storage area"?

"Storage area" means an enclosed area not accessible to the public that is utilized for storage of supplies, materials, food, beverages, etc.

What will happen if I do not post signage or comply with the provisions of the ordinance within my business?

You may be issued a citation for violating the smoking ordinance, per occurrence, you may be punished by a fine of $100 for a first offense, $200 for a second offense, and $500 each additional offense. Additional violations may also result in the suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred.

Do I qualify for a Certificate of Exemption?

There are three types establishments that will need a "Certificate of Exemption":

"Bar Certificate of Exemption" requires all of the following:

- You are a drinking establishment in existence on or before January 2, 2011.
- Your food sales comprise no more than 25% of the gross revenue during a year as reported to the License Collector and Excise Division, and food sales are not reasonably expected to comprise more than 25% of gross sales going forward.
- No one under the age 21 allowed entrance.
- The square footage of the establishment is 2000 square feet or less (excluding kitchen area, storage area, and bathroom). Any enclosed public tents erected on the establishment's property will be included in determining the total square footage.
- The bar shall prominently display outside of the premises at each entrance and above the bar the following sign in lettering that is black bold Arial font at 98 point size: "WARNING: SMOKING ALLOWED HERE."

"Hotel/Motel Certificate of Exemption" requires the following:

- Not more than 20% of hotel/motel rooms rented to guests are designated as smoking rooms.
- All smoking rooms on the same floor must be contiguous.
- Smoke from these rooms must not infiltrate into areas where smoking is prohibited.

"Retail Tobacco Store Certificate of Exemption" requires the following:

- The retail tobacco store is used primarily for the sale of smoking materials.
- More than 50% of the volume of trade or business carried on is that of blending tobaccos or sales of tobaccos, cigarettes, pipes, cigars, or smoking sundries.
- The sale of other products is incidental and comprise no more than 25% of gross revenue for that year.
- Smoking is permitted within the public place.