

McAllen SHS Ordinance Profile by Protection Level, Setting Details, and Enforcement and Penalties

INDIVIDUAL MUNICIPALITY ORDINANCE BACKGROUND

Municipality	McAllen	Population	142,696
County	Hidalgo	Public Health Region	11
History	Current	Passage Date	10/23/2017

PROTECTION LEVEL

SETTING

Municipal Worksites	100% Smoke Free	Bars – In Restaurants	100% Smoke Free
Private Sector Worksites	100% Smoke Free	Bars – Not in Restaurants	100% Smoke Free
Restaurants	100% Smoke Free		

*100% Smoke Free (5) - No smoking allowed in a particular setting; Moderate (4) - Designated smoking areas are allowed if separately ventilated; Mixed (3) - Coverage is partial due to exceptions, ambiguities, or legal issues; Limited (2) - Designated smoking areas allowed or required; No Coverage (1) - No restrictions on smoking. Minor exceptions may exist.

DEFINITION OF SMOKING

Smoking defined as: Cigar, cigarette, electronic or digital smoking device, pipe, any oral smoking device for the purpose of circumventing the prohibition of smoking in this article

SETTING DETAIL

BARS

	In Restaurants	Not in Restaurants
Bars Defined by % of Sales of Alcohol	No	No
Age Restriction	No	No
Restriction for outdoor seating	Yes	Yes

If bars are stated, but no distinction made between bars located in restaurants and/or those not in restaurants, it is assumed that restrictions and/or exemptions apply equally to both.

WORKSITES

	Municipal	Private
Exemption for minimum number of employees	Yes	Yes
Number of Employees	1	1
Non-retaliation	Yes	Yes
Non-smoker's rights	No	No
Written policy	No	No
Signage	Yes	Yes

RESTAURANTS

		RADIUS FROM OUTSIDE DOORS	
Exemption for minimum seating	No	Exempt	No
Number of seats		Restriction	Yes
Signage	Yes	Distance in Feet	10
Restriction for outdoor seating	Yes		

ENFORCEMENT AND PENALTIES

ENFORCEMENT

Enforcement Authority: Law Officer, Fire Official, Health Officer, Other City Official, Business Representative

PENALTY

	To Business	To Smoker
Penalty	Yes	Yes
Fine	Yes	Yes
Minimum/Maximum	\$0/\$100	\$0/\$100
Increase for Subsequent Fine	Yes	Yes
Minimum/Maximum for 2 nd Offense	\$0/\$200	\$0/\$200
Minimum/Maximum for 3 rd Offense	\$0/\$500	\$0/\$500
Minimum/Maximum for Subsequent Offenses	\$0/\$500	\$0/\$500
Other Penalties	No	No
Loss of License (business) or Violation Notice (smoker)	No	No
Criminal Charge	Yes	Yes
Increase in Other Penalties for Subsequent Offenses	No	No

NARRATIVE SUMMARY

Smoking is prohibited (100% smoke free) in municipal worksites, private worksites, restaurants, bars in restaurants, and bars not in restaurants. Fines up to \$500 and other penalties exist for violations by businesses and smokers. Law Officers, Fire Officials, Health Officers, Other City Officials, and Business Representatives, are enforcers.