

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

INDIVIDUAL MUNICIPALITY ORDINANCE BACKGROUND

Municipality	Odessa	Population	118,918
County	Ector	Public Health Region	9
History	Current	Passage Date	9/13/2016

PROTECTION LEVEL

SETTING

Municipal Worksites	Limited	Bars – In Restaurants	100% Smoke Free
Private Sector Worksites	Limited	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, snuff, chewing tobacco or any other product made of tobacco

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	No	No

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	No	No
Number of Employees		
Non-retaliation	No	No
Non-smoker's rights	No	No
Written policy	No	No
Signage	Yes	Yes

RESTAURANTS

		RADIUS FROM OUTSIDE DOORS	
Exemption for minimum seating	No	Exempt	Yes
Number of seats		Restriction	Yes
Signage	Yes	Distance in Feet	50
Restriction for outdoor seating	No		

ENFORCEMENT AND PENALTIES

ENFORCEMENT

Enforcement Authority: Building official, City Attorney, Business representative, Private Individual

PENALTY

	To Business	To Smoker
Penalty	Yes	Yes
Fine	Yes	Yes
Minimum/Maximum	\$0/\$2,000	\$0/\$500
Increase for Subsequent Fine	No	No
Minimum/Maximum for 2 nd Offense	\$0/\$2,000	\$0/\$500
Minimum/Maximum for 3 rd Offense	\$0/\$2,000	\$0/\$500
Minimum/Maximum for Subsequent Offenses	\$0/\$2,000	\$0/\$500
Other Penalties	No	No
Loss of License (business) or Violation Notice (smoker)	No	No
Criminal Charge	No	No
Increase in Other Penalties for Subsequent Offenses	No	No

NARRATIVE SUMMARY

Smoking is prohibited (100% smoke free) in restaurants, bars in restaurants, and bars not in restaurants. Protection is limited in municipal worksites and private worksites with designated smoking areas allowed or required. Fines up to \$2,000 exist for violations by businesses and smokers. Building officials, City Attorneys, Business representatives, and Private Individuals are enforcers.