

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

INDIVIDUAL MUNICIPALITY ORDINANCE BACKGROUND

| | | | |
|--------------|-------------|----------------------|----------|
| Municipality | Port Arthur | Population | 53,818 |
| County | Jefferson | Public Health Region | 6 |
| History | Current | Passage Date | 9/5/2017 |

PROTECTION LEVEL

SETTING

| | | | |
|--------------------------|-----------------|---------------------------|-----------------|
| Municipal Worksites | 100% Smoke Free | Bars – In Restaurants | 100% Smoke Free |
| Private Sector Worksites | Mixed | Bars – Not in Restaurants | No coverage |
| 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, hookah, marijuana product (natural or synthetic), pipe, any oral smoking device

SETTING DETAIL

BARS

| | In Restaurants | Not in Restaurants |
|---------------------------------------|----------------|--------------------|
| Bars Defined by % of Sales of Alcohol | No | Yes |
| 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 | Yes | Yes |
| Number of Employees | 1 | 1 |
| Non-retaliation | Yes | Yes |
| Non-smoker's rights | Yes | Yes |
| 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 | 25 |
| Restriction for outdoor seating | No | | |

ENFORCEMENT AND PENALTIES

ENFORCEMENT

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

PENALTY

| | To Business | To Smoker |
|---|-------------|-----------|
| Penalty | Yes | Yes |
| Fine | Yes | Yes |
| Minimum/Maximum | \$0/\$100 | \$0/\$50 |
| Increase for Subsequent Fine | Yes | No |
| Minimum/Maximum for 2 nd Offense | \$0/\$200 | \$0/\$50 |
| Minimum/Maximum for 3 rd Offense | \$0/\$500 | \$0/\$50 |
| Minimum/Maximum for Subsequent Offenses | \$0/\$500 | \$0/\$50 |
| Other Penalties | No | No |
| Loss of License (business) or Violation Notice (smoker) | Yes | No |
| Criminal Charge | No | No |
| Increase in Other Penalties for Subsequent Offenses | No | No |

NARRATIVE SUMMARY

Smoking is prohibited (100% smoke free) in municipal worksites, restaurants, and bars in restaurants. Protection is mixed in private worksites with exceptions, ambiguities or legal issues. No protection is provided in bars not in restaurants. Fines up to \$50 exist for violations by smokers. Fines up to \$500 and other penalties exist for violations by businesses. Law officers, Health officers, Other city officials, Business representatives, and Private Individuals are enforcers.