

# Smoke-Free Ordinance

## What has changed?

### Smoke-Free Ordinance Amendment

Louisville Metro’s Smoke-Free Ordinance (No. 083, Series 2017) as amended by the Louisville Metro Council on May 11, 2017 prohibits smoking, including the use of electronic smoking devices (e-cigarettes) and hookah in indoor public places and places of employment. The legislation was signed by Mayor Greg Fischer on May 22, 2017, and becomes effective on August 21, 2017. In addition to the prohibition of electronic smoking devices and hookah in public indoor places, the new legislation protects minors from entering these businesses, provides greater protections to people living in nursing homes and staying in other facilities, and defines the distance requirement for smoking outside of building entrances.

When Louisville’s Smoke-Free Ordinance was enacted in 2008, it protected people from the health effects of secondhand smoke. The amendments are a logical extension to also protect residents and visitors from the toxins emitted by electronic smoking devices and hookah products.

### What has changed?

- Smoking is now prohibited in locations previously defined as a “**dwelling**” including, hotels, motels, suites, hospitals, hospice, and nursing homes.
- The definition of “**smoke or smoking**” was expanded to include “the act of inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic, in any manner or form. Smoking also includes the use of an electronic smoking device or the use of any oral smoking device for the purpose of circumventing the prohibition of the smoking in the Ordinance.”
- Smoking is now prohibited within **15 feet** of the outside entrance to any building so as to ensure that tobacco smoke does not enter the building through entrances, windows, ventilation systems, or other means. The 15 feet distance restriction does not apply to hookah establishments.
- Exemptions:
  - **Hookah lounges**, that meet all of the following requirements:
    - **Definition:** “primary operations dedicated to the allowance of on-site smoking through one or more hookah pipes, including but not limited to establishments know as hookah bar”;
    - **Operations:** the lounge must have been in operation as of May 1, 2017 and operate continuously with no cessation of operation to remain eligible for the exception. A registered hookah lounge may move locations under the exemption, but additional retail operations are ineligible;
    - **Registration:** hookah lounges must register with the Louisville Metro Department of Public Health and Wellness by August 21, 2017;
    - **No Minors:** the establishment must not allow individuals under the age of eighteen (18) to enter;
    - **No Food:** cannot be licensed as a Food Service Establishment (under LMCO Chapter 118);
    - **No Alcohol:** cannot sell alcoholic beverages (under LMCO Chapter 113);

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- **Smoking Restrictions:** the hookah lounge must prohibit smoking of all other tobacco products. Only the consumption of non-tobacco products through a hookah at a hookah lounge is allowed.
- **Electronic smoking retail stores**, that meet all of the following requirements:
  - **Gross Revenue:** the business must demonstrate that at least 85% of sales are dedicated to the sale of electronic smoking devices, accessories, and/or products;
  - **Physical Separation:** the business cannot have an entrance that opens to a common area with other retail establishments;
  - **No Minors:** the establishment must not allow individuals under the age of eighteen (18) to enter;
  - **No Food:** cannot be licensed as a Food Service Establishment (under LMCO Chapter 118);
  - **No Alcohol:** cannot sell alcoholic beverages (under LMCO Chapter 113);
  - **Smoking/Vaping Restrictions:** only the consumption of non-tobacco and non-nicotine products from an electronic smoking device at an electronic smoking retail store is allowed.

### **What has not changed?**

- People are still prohibited from smoking within any building or establishment, which is open to the public, used to host or hold a public event, or employs one or more persons who work on the premises.
- Private residences or extended stay lodging are still exempt from the Smoke-Free Ordinance, except when they are used as a licensed childcare, adult day care, or health care facility.
- Minors are still prohibited from using, consuming, purchasing, or possessing any electronic smoking device or hookah.
- Retailers are still prohibited from selling, offering to sell, or distributing to electronic smoking devices and hookah to any minors.
- The Ordinance does not prevent owners, lessees, principal managers, or persons in control of any place, including, without limitation, any motor vehicle, outdoor area, or dwelling from prohibiting smoking in such place. People are still required to abide by private prohibitions.

### **Summary**

The public's health is the number one priority behind the Ordinance. There is no safe level of exposure to secondhand smoke. Smoking and exposure to secondhand smoke are leading preventable causes of chronic illnesses and premature death. The amended Smoke-Free Ordinance will help extend the benefits of our highly successful smoke-free law and help maintain a standard of clean indoor air.

To register a complaint, please call Metro Call at 311.

Want to quit smoking?

Call 1-800-QUIT-NOW (1-800-784-8669).