



CITY OF LONG BEACH

DEPARTMENT OF HEALTH AND HUMAN SERVICES
BUREAU OF ENVIRONMENTAL HEALTH

2525 GRAND AVENUE ROOM 220 • LONG BEACH, CALIFORNIA 90815 • (562) 570-4132
WWW.LONGBEACH.GOV/HEALTH/EH



IMPORTANT NOTICE

January 31, 2019

Dear Food Facility Operator(s):

On December 18, 2018, the Long Beach City Council amended the Long Beach Municipal Code (LBMC) Sections 8.68.020, 8.68.060, 8.68.065, 8.68.075, 8.68.090 and Subsection 8.68.110.A, changing regulations pertaining to outdoor dining areas. **Under the amended ordinance, smoking (including combustible cigarettes and e-cigarettes/vapes) will be prohibited and is unlawful in every publicly or privately owned outdoor dining establishment, including bars and restaurants, with some exemptions as outlined in the attached document.** A link to the full ordinance can be found at: www.longbeach.gov/smokefree.

How does this affect me?

Eating establishments and drinking establishments that allow patrons under eighteen (18) to enter, must comply with a 100% non-smoking outdoor area at or within twenty feet (20') of an outdoor patio before 11:00 p.m. After 11:00 p.m. facilities can allow a continuous designated smoking area not more than one-third (1/3) of a patio. Establishments that obtain a special event permit may allow a designated smoking area on one-third (1/3) of a patio prior to 11:00 p.m. if obtained prior to an event.

The amendment for LBMC Sections 8.68.020, 8.68.060, 8.68.065, 8.68.075, 8.68.090 and Subsection 8.68.110.A effective as of January 18, 2019. Business owners are responsible for ensuring this ordinance is being enforced within their establishments. These requirements are minimal. Establishments that already have a 100% smoke-free policy in place or want to adopt and enforce their own policies that are stronger than the City's policy are still permitted to do so. All establishments in the City of Long Beach where food or drinks are served to the public, including restaurants, bars, and cafés, must adhere to this ordinance. Non-compliance may result in legal action including administrative citations.

Implementation and enforcement of this provision will be primarily undertaken by the Long Beach Department of Health and Human Services, Environmental Health Bureau via routine and complaint-driven inspections. The goal of Tobacco Retail Enforcement Program (TREP) is to encourage responsible tobacco retailing and to discourage violations of tobacco-related laws, especially those which prohibit or discourage the sale or distribution of tobacco and nicotine products to minors. For more information, please contact TREP at (562) 570-7905. The Tobacco Education Program (TEP) has worked to build a healthier community by reducing the use of tobacco and the exposure to secondhand smoke in the City of Long Beach. For more information, please contact TEP at (562) 570-7950. The TEP and TREP programs are available to assist community members and food establishment owners/operators with questions related to the City's no-smoking policies.

Sincerely,

Leila Judd REHS, CP-FS
Consumer Protection Program Supervisor, Bureau of Environmental Health

1 8.68.090 Smoking prohibited - Eating establishments, bars, and outdoor dining
2 areas.

3 A. Smoking is prohibited and is unlawful in every publicly or
4 privately owned enclosed eating establishment, including bars and
5 restaurants.

6 B. Smoking is prohibited and is unlawful in all outdoor dining
7 areas as defined in Subsection 8.68.020.P, except after 11:00 P.M. This
8 Subsection is not intended to regulate smoking in the following places and
9 under the following conditions:

10 1. A non-enclosed area of a drinking establishment, such
11 as a bar, that sells or offers for sale alcoholic beverages pursuant to a
12 license from the Department of Alcoholic Beverage Control (ABC), limits
13 entry to patrons age eighteen (18) and older, and where food service, if
14 any, is only incidental to the sale of alcoholic beverages. For purposes of
15 this paragraph, a drinking establishment shall not include a business with
16 an ABC license type 41 or type 47, both of which are issued to restaurants
17 and require substantial sales of meals for consumption on the premises.

18 2. A non-enclosed area of any eating establishment,
19 including bars and restaurants, for which that limited outdoor area is
20 designated for smoking during a special event pursuant to a special event
21 permit issued by the City under Chapter 5.60 of this Code. Unless
22 otherwise authorized by the City Manager in his/her sole discretion, a
23 special event under this Subsection shall not last longer than ten (10)
24 consecutive calendar days at one (1) site, and shall be limited to not more
25 than twice in any calendar year at any one (1) site.

26 C. Establishments that are exempt from Subsection B above,
27 and which maintain an outdoor dining area, shall maintain a contiguous no
28 smoking area of not less than two-thirds (2/3) of both the outdoor seating

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CHARLES PARKIN, City Attorney
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capacity or the outdoor floor space in which customers are being served.

Section 6. Subsection 8.68.090.A. of the Long Beach Municipal Code is amended to read as follows:

A. Smoking is prohibited in all workplaces in the City of Long Beach as defined in Subsection 8.68.020.V.

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of December 18, 2018, by the following vote:

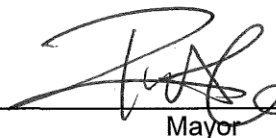
Ayes: Councilmembers: Gonzalez, Price, Supernaw,
Mungo, Andrews, Uranga, Austin.

Noes: Councilmembers: None.

Absent: Councilmembers: Pearce, Richardson.


City Clerk

Approved: 12/19/18
(Date)


Mayor