



POLICY REVIEW

Smokefree Outdoor Dining Policies in San Diego County

Introduction

As the health impacts of second- and thirdhand smoke have become more well-known, many local governments have chosen to restrict smoking in outdoor public places, including outdoor dining areas. The City of San Diego is the largest city in the County of San Diego that does not have a comprehensive smokefree outdoor dining policy. Currently, only some outdoor dining patios in the city with Spaces as Places permits, which make “pandemic patios” permanent, are required to be smoke and vape-free.

The Policy Center has reviewed the smokefree outdoor dining policies of thirteen jurisdictions in the County of San Diego and resources from the [Public Health Law Center](#) to consider the elements of a successful policy. A well-written smokefree outdoor dining policy protects patrons and restaurant employees from the dangers of second- and thirdhand smoke by ensuring that the public and local businesses are educated on the policy and provided with the support and tools to successfully enact the policy.

Elements of Exemplary Policies

Definition and Distance Requirements

Comprehensive and effective policies define outdoor dining areas, or what are commonly referred to as “unenclosed dining areas,” carefully to ensure that all eating establishments are included and to prevent smoke intrusion.



Definition

Outdoor dining spaces, or unenclosed dining areas, are defined carefully and explicitly to include bars and establishments such as markets and food trucks.



Distance

Smoking is prohibited within at least 25 ft of all entrances to the outdoor dining area.

Exemplary Education Components

The best policies ensure that both patrons and those responsible for enforcement are educated about the requirements of the policy as well as how to report a violation. The reporting mechanisms should be easy for the public to understand and access.



Campaign

Before the policy goes into effect, a public educational campaign can improve awareness and education about the policy and reporting violations.



Website

The city or local tobacco control department should have a dedicated webpage explaining the jurisdiction’s policy, and include the phone number or contact information to report a violation.



Elements of Exemplary Policies (Cont.)

Exemplary Signage Requirements

To change local norms and behavior around smoking in outdoor dining patios, patrons and staff must always be aware of the policy. Signage is conspicuously posted, provides sufficient information, and is easily readable by all members of the community. Language referring to signage requirements is clear and specific and avoids leaving too much to the discretion of the owner or manager of an establishment.

✓ Clarity

The signage reads “No Smoking or Vaping” and/or includes the universal “No Smoking” symbol, which consists of a pictorial representation of a burning cigarette and e-cigarette enclosed in a red circle with a red bar across it.

🌐 Language

Signs are displayed in English and one other language commonly used by the local community.

📍 Location

Signs are posted at each entrance to the establishment and in at least one other place inside the outdoor dining patio.

☎ Resources

Signs display a phone number or contact information for local cessation resources and/or display a phone number or contact information to report violations.

👁 Visibility

Letters are one inch or larger, and text displayed on a contrasting background.

Possible Approaches to Enforcement

Enforcement of smokefree outdoor dining policies should aim to protect the public from second- and thirdhand smoke without resorting to overly punitive policies that disproportionately affect those experiencing addiction and those from marginalized communities. We endorse the options below, which are recommended by the [Public Health Law Center](#) and the [American Lung Association](#) for enforcement of smokefree outdoor public places.

Options for Enforcement

Most Equitable

- Civil penalties against property owners
- Community service
- Nuisance

Use Caution

- Civil fines against tobacco users
- Ejection

Not Recommended

- Private right of action
- Criminal enforcement