



District of Columbia

Smoking Restrictions

Overall Summary of Smoking Restrictions

The Department of Health is authorized to conduct inspections of all 'places of employment' and 'public places' to ensure that the activity of smoking in such places, which is hereby prohibited, is not taking place. A 'public place' is defined as an enclosed area to which the public is invited or in which the public is permitted, including restaurants and bars/taverns. The definition excludes a private residence, unless it is used as a child care, adult day care, or health care facility. An economic hardship waiver is also available under certain conditions, and smoking can be restricted outside buildings. See the Other State Smoking Restrictions and Provisions section for more details.

D.C. CODE ANN. tit. 7 §§ 7-741 to 7-747 (2011).

Exceptions to the Law

Exceptions to the law include: 1) a retail store that is used primarily for the sale of tobacco products and accessories in which the total annual revenue generated by the sale of non-tobacco products or accessories is no greater than 25 percent of total revenue, provided, that it does not share space with any other establishment; 2) tobacco bars as defined; 3) an outdoor area of a restaurant, tavern, club, brew pub, or nightclub; 4) hotel and motel rooms; 5) a medical treatment, research, or nonprofit institution where the activity of smoking is conducted for the purpose of medical research or is an integral part of a smoking cessation program; 6) theatrical productions; and 7) cigar smoking at special events at hotels once a year for one day if they follow certain requirements.

D.C. CODE ANN. tit. 7 §§ 7-741 & 7-743 (2011).

Stronger Local Laws on Smoking

Laws were approved by the District of Columbia city council/mayor, and there is no lawmaking body beneath the council/mayor.

Government Buildings

Smoking is prohibited in 'places of employment,' which includes places of public employment. 'Place of employment' is defined as an enclosed area under the control of a public employer that employees normally frequent during the course of employment, including work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias and hallways.

D.C. CODE ANN. tit. 7 §§ 7-741 to 7-747 (2011).

Private Workplaces

Smoking is prohibited in 'places of employment,' which are defined as an enclosed area under the control of a public or private employer that employees normally frequent during the course of employment, including work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways and vehicles owned by a private employer, if the vehicle is used by more than one person, and excludes a private residence, unless it is used as a child care, adult day care or health care facility.

D.C. CODE ANN. tit. 7 §§ 7-741 to 7-747 (2011).

Schools

Tobacco and tobacco products are prohibited in public school and public charter school buildings, grounds, parking lots, parking garages, playing fields, school buses and other vehicles, and at off-campus, school-sponsored events. For public charter school located in a mixed-use facility, the above shall apply only to the buildings, grounds, parking lots, garages, and fields under the control of the public charter school.

D.C. CODE ANN. § 38-826.05 (2011).

Smoking is prohibited in educational facilities.

D.C. CODE ANN. §§ 7-741 to 7-747 (2011).

Child Care Facilities

Smoking is prohibited in child care facilities. Child care and adult day care facilities in private residences are specifically included.

D.C. CODE ANN. tit. 7 §§ 7-741 to 7-747 (2011).

Health Care Facilities

Smoking is prohibited in health care facilities. Health care facilities in private residences are specifically included in the language of the law. A medical treatment, research, or nonprofit institution where the activity of smoking is conducted for the purpose of medical research or is an integral part of a smoking cessation program is exempt.

D.C. CODE ANN. tit. 7 §§ 7-741 to 7-747 (2011).

Restaurants

Smoking is prohibited in restaurants.

D.C. CODE ANN. tit. 7 §§ 7-741 to 7-747 (2011).

Bars

Smoking is prohibited in 'public places' the definition of which includes brew pubs, clubs, nightclubs and taverns. 'Tobacco bars,' which are defined as restaurants, taverns, brew pubs, clubs or nightclubs that generate 10 percent or more of their total annual revenue from the on-site sale of tobacco products, excluding sales from vending machines, or the

rental of on-site humidors and outdoor areas of any of these types of establishments are permanently exempted.

D.C. CODE ANN. tit. 7 §§ 7-741 to 7-747 (2011).

Other State Smoking Restrictions and Provisions

Economic Hardship Waiver from Smoking Restrictions for Public Places and Workplaces:

The Mayor may grant an economic hardship waiver from the requirements of the above law; provided, that prior to the granting of a waiver, the applicant establishes, to the satisfaction of the Mayor, that compliance with the requirements has caused or will cause undue financial hardship. An economic hardship waiver shall be based on regulations to be issued by the Mayor. Public places and places of employment who receive an economic hardship waiver shall have been in existence on or before January 1, 2007; not permit smoking in an area that exceeds 25 percent of the total area if the place of employment or public place is a restaurant; and be subject to conditions or restrictions as may be necessary to minimize the adverse effects of smoking.

D.C. CODE ANN. § 7-745 (2006).

Smoking Restrictions Outside Buildings:

A property owner or ground-floor commercial tenant has the authority to post signs on their property stating that smoking is not permitted on public space within a specified distance from and abutting the building wall. That distance shall not be greater than 25 feet or the distance to the far side of the adjacent public sidewalk, if any, whichever is less. Signs will not apply to sidewalk cafes unless the sign has been posted by, or with the consent of, the owner or operator of the sidewalk cafe. No specific penalties mentioned for violation.

D.C. CODE ANN. § 7-1701, sect. 4c (2010).

Penalties/Enforcement

In any place, elevator or vehicle in which smoking is prohibited, the owner, manager, or person in charge of the place shall post or cause to be posted specified warning signs. Signs shall be visible to the public at the entrance to the area and on the interior of the area in sufficient number in a manner that gives notice to the public of the applicable law. Smoking in a prohibited area is subject to a fine of \$100 to \$1,000 for a first offense, and \$200 to \$1,000 for subsequent offenses. Obscuring, removing, defacing, mutilating or destroying any posted sign is subject to a fine of \$500. Failing to post or maintain the required warning signs and failing to notify a person observed to be smoking to stop the activity shall be punishable by a fine of \$500; each day the violation continues is a separate offense. The D.C. Department of Health is the designated enforcement agency.

D.C. CODE ANN. tit. 7 §§ 7-741 to 7-747 (2011) & 7-1704 (1991).

Tobacco Taxes

Tax on Cigarettes

Tax rate per pack of 20: \$2.50

Date last changed: October 1, 2009 -- from \$2.00 to \$2.50

Year first enacted: 1949

D.C. CODE ANN. § 47-2402(a) (2015).

Use of Cigarette Tax Revenue - Summary

A small portion of cigarette tax revenue could be dedicated to a Smoking Cessation Fund for smoking cessation efforts under certain conditions, see below. The remainder of the revenue goes to the city general fund.

D.C. CODE ANN. § 47-2402(l)(1) (2013).

Use of Cigarette Tax Revenue - Detailed Information

There is established as a special fund the Smoking Cessation Fund, which shall be administered by the Department of Behavioral Health. From fiscal year 2014 through fiscal year 2017, the amount of revenue by which taxes imposed by section 47-2402 DC Code exceed the annual cigarette tax revenue estimate from February 22, 2013, quarterly revenue estimate provided by the Chief Financial Officer, the excess of cigarette tax revenue shall be deposited into the Fund for use in the following fiscal year; provided, that no more than 10 percent of the estimated revenue shall be deposited into the Fund. Beginning in fiscal year 2018, 10 percent of the cigarette tax revenue shall be deposited into the fund. Monies in the Fund shall be used for smoking cessation efforts.

D.C. CODE ANN. § 47-2402(l)(1) (2013).

Taxes on Other Tobacco Products

Little Cigars (weighing less than 4 lbs./thousand): 12.5 cents per little cigar;

Other Tobacco Products (excluding premium cigars and e-cigarettes as defined): 70% of the average wholesale price (changes annually).

D.C. CODE ANN. §§ 47-2401, 47-2402 & 47-2402.01 (2015).

The tax rate for other tobacco products shall be equal to the cigarette tax and surtax under section 47-2402(a)(1)(2) DC Code on a pack of 20 cigarettes, expressed as a percentage of the average wholesale price. Beginning as of March 31, 2015, and on March 31 of each year thereafter, the Mayor shall reevaluate the percentage calculation above and shall recompute the tax rate on other tobacco products to equal the cigarette tax and surtax. The Mayor shall provide notice of any change in the tax rate for other tobacco products on or before September 1 of that year, and the change shall be effective as of the following October 1.

D.C. CODE ANN. § 47-2402.01 (2015).

Use of Other Tobacco Products Tax Revenue - Summary

All revenue from the tax on little cigars is distributed in the same way as cigarette tax revenue. All revenue from the tax on other tobacco products goes to the city general fund.

D.C. CODE ANN. §§ 47-2402 & 47-2402.01 (2015).

Revenue Collected from Cigarette Taxes

Revenue collected in Fiscal Year 2012 (July 1, 2011 to June 30, 2012): \$33,465,000

Tobacco Control Program Funding

Source of funding

City funding for the District of Columbia's tobacco control program comes from city general fund dollars.

State Funding Details

The District of Columbia allocated \$2,000,000 to tobacco prevention and cessation programs in FY2015 (October 1, 2014 to September 30, 2015). In FY2014, \$495,000 was allocated.

FY2015 Budget Request Act (B20-749) passed by the City Council 5/28/14 and enacted (mayor's line-item veto overridden by City Council) 7/11/14; HJR 124 (continuing appropriations at FY2014 levels) passed by U.S. Congress 9/18/14, signed by President 9/19/14 and effective 10/1/14 to 12/11/14; HJR 130 (continuing appropriations at FY2014 levels) passed by U.S. Congress 12/11/14, signed by President and effective 12/12/14 to 12/13/14; HJR 131 (continuing appropriations at FY2014 levels) passed by U.S. Congress 12/13/14, signed by President and effective 12/13/14 to 12/15/14; and HR 83 passed by U.S. Congress 12/13/14, signed by President and effective 12/16/14.

Tobacco Control Program Related Laws

Note: Responsibility for city tobacco control program was transferred from the Department of Behavioral Health to the Department of Health effective October 1, 2014.

B20-750, Subtitle D passed the city council 6/24/14, signed by mayor 9/23/14, passed U.S. Congressional Review period and effective 2/26/15.

Funding for Tobacco Control Programs

FY2015 State Funding for Tobacco Control Programs: \$2,000,000

FY2015 Federal Funding for State Tobacco Control Programs: \$581,752*

FY2015 Total Funding for State Tobacco Control Programs: \$2,581,752

Funding Level Recommended by CDC: \$10,700,000

Percentage of CDC-Recommended Level: 24.1%

*Includes regular and supplemental quitline funding from the Centers for Disease Control and Prevention and state youth access contract funding from the U.S. Food and Drug Administration.

Laws Restricting Youth Access to Tobacco Products

Compliance/Enforcement

No provisions in city law.

Penalties for Sales to Minors

No person shall sell, give or furnish any cigarette or other tobacco product to or purchase any cigarette any cigarette or other tobacco product of behalf of any person less than 18 years of age. Violation is a misdemeanor punishable by a fine of between \$100 and \$500, and/or imprisonment for not more than 30 days for the first offense. A person who commits subsequent violations shall be fined \$500 to \$1,000, imprisoned for not more than 90 days, or both. Any license to sell cigarettes may be suspended for the first or second violation, and shall be revoked for a third violation. Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction as well. It shall be an affirmative defense to a violation that, at the time of the relevant sale, the person who attempted to purchase the product was 18 years of age or older, or presented identification to the seller that a reasonably prudent person would believe to be valid under the same or similar circumstances.

D.C. CODE ANN. § 7-1721.02 (2012).

Sign Posting Requirements

The owner or person in charge of a place of business that sells tobacco products shall post a warning sign that states: 'NO PERSON UNDER 18 YEARS OF AGE SHALL PURCHASE ANY CIGARETTE OR OTHER TOBACCO PRODUCT. SALES CLERKS WILL ASK FOR PROOF OF AGE FROM ANY PERSON SEEKING TO PURCHASE ANY CIGARETTE OR OTHER TOBACCO PRODUCT WHO APPEARS TO BE UNDER 27 YEARS OF AGE. THE UNITED STATES SURGEON GENERAL HAS ISSUED A WARNING THAT SMOKING CAUSES LUNG CANCER, HEART DISEASE, EMPHYSEMA AND MAY COMPLICATE PREGNANCY.' The sign shall clearly state the maximum fine for a violation of this section. The sign shall be visible to the public at the entrance to the area and on the interior of the area in sufficient number to give notice of the law to the public.

D.C. CODE ANN. § 7-1721.02(e) (2012).

Purchase/Possession of Tobacco Products by Minors

No person under 18 years of age shall purchase, attempt to purchase, possess or attempt to possess any cigarette or other tobacco product. No person under 18 years of age shall falsely represent their age, or possess or present as proof of age an identification document which is in any way fraudulent, for the purpose of purchasing, possessing, or consuming cigarettes or other tobacco products. This does apply to persons under 18 handling or transporting cigarettes or other tobacco product under the terms of their employment. Persons under 18 that purchase or possess cigarettes or other tobacco products are subject to a civil penalty of \$50. Persons under 18 that falsely represent their age or use a false identification document are subject to a civil penalty of \$100 for a first offense, \$200 for a second offense; and \$300 for a third and subsequent offense. The mayor may issue rules increasing the amounts of these fines.

D.C. CODE ANN. § 7-1721.03 (2010).

No person shall sell or distribute cigarettes or other tobacco products, except cigars, through a self-service display as

Placement of Tobacco Products