

Wichita Smoking Ordinance

It's here. It's the law. It's effective Sept. 4, 2008

Information for Businesses

Is the Smoking Ordinance ban comprehensive?

No. Smoking is prohibited in places of business, but some businesses may obtain a permit to allow smoking.

What is regulated and who must comply?

The ordinance regulates smoking inside any place of businesses and within 10 feet of any building entrance. A *place of business* is defined as any premises under the control of an employer where activities in furtherance of profit-making purposes are carried out, including, but not limited to, manufacturing activities, as well as the sale or delivery of goods or services to patrons or customers. This includes restaurants, retail stores, office buildings, medical facilities, daycares, theaters, banks, bars, manufacturing plants, vehicle repair shops, public areas of hotels and motels, wholesale business services, warehouses and home-based businesses – just about any enclosed building where the public may enter or where people work.

Every place of business will be subject to signage requirements; the applicability of additional requirements will depend upon the “No Smoking”, “Smoking Room” or “Smoker-Friendly” options selected by the business, as allowed by the ordinance. Nonprofit organizations are exempt.

Where is smoking allowed?

Businesses with appropriate signage may permit smoking:

- In any unenclosed, outdoor area which is at least 10 feet from any building entrance;
- In a designated smoking room which is permitted and inspected by the City of Wichita and in which people under the age of 18 are prohibited;
- At smoker-friendly businesses which are permitted and inspected by the City of Wichita and which do not allow any people under the age of 18 to enter;
- In hotel rooms, motel rooms, apartment residences and rental dwellings.

What are the specific requirements for my business?

Requirements vary. Businesses fall into four (4) general categories:

1. *Businesses that prohibit smoking or limit smoking to designated outdoor smoking areas more than ten feet from any building entry door.* Every place of business that does not qualify for an exception to the smoking prohibition is, by default, in this category. No annual permit is required for this business category, although there is an ongoing requirement for conspicuously posted signs clearly stating that smoking is prohibited at each entrance and within the building or buildings. Such "No Smoking" signs shall have bold lettering of not less than one (1) inch in height. The international "No Smoking" symbol may also be used (this symbol shows a burning cigarette inside a red circle with red bar across it). An image of this sign can be found at www.wichita.gov. Businesses are responsible for enforcing the no smoking rules.
2. *Businesses that have installed a “smoking room” (or rooms) inside buildings per the “smoking room” design and heating, ventilation and air-conditioning (HVAC) requirements of the ordinance.* Businesses with smoking rooms must obtain an annual permit from the City Express Office, with the following ongoing requirements:
 - Conspicuously posted signs clearly stating that smoking is prohibited at each building entrance and within the building (or buildings). Such "No Smoking" signs shall have bold lettering of not less than one (1) inch in height. The international "No Smoking" symbol may also be used (this symbol shows a burning cigarette inside a red circle with red bar across it). It is also recommended that a “Smoking Room Available” signs be posted with or near “No Smoking” signs at each building entrance. Images of these signs can be found at www.wichita.gov.

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- “Smoking Permitted, No One Under 18 Admitted” signage at all entrances to the smoking room. An image of this sign can be found at www.wichita.gov.
 - Exclusion of people under the age of 18 from the smoking room.
 - The smoking room must be enclosed on all sides by solid, impermeable walls or windows extending from the floor to ceiling and must have self-closing doors.
 - Access to the smoking room must be restricted to employees, customers and vendors of the business.
 - The smoking room must maintain a negative air pressure (meaning more air is exhausted from the room than is directly supplied by the heating, ventilation and air conditioning (HVAC) system).
 - The smoking room’s air must be exhausted directly outdoors and not returned to the HVAC system.
 - The smoking room and HVAC equipment must be maintained and serviced when the room is not occupied by smokers.
 - There must be no need for employees, customers or vendors to pass through the smoking room to access restrooms, break areas or any other portion of the business which they might need to access, and the business must not require employees, customers or vendors to enter the smoking room when occupied by smokers.
 - Non-smoking employees and vendors of the business must have access to a separate, enclosed, non-smoking break room accessible only to the employees and vendors of the business which is of equal or larger size and has amenities comparable to the smoking room.
 - The City Office of Central Inspection must verify compliance with smoking room requirements.
3. *Businesses that elect to be “smoker-friendly.”* Such businesses must continuously exclude all customers and patrons under 18 years of age and must have no employees under 18 years of age (except for such employees who were employed at that business as of September 4, 2008). Smoker-friendly businesses must obtain and annually renew a permit from the City Express Office, with the following ongoing requirements:
- “Smoking Permitted, No One Under 18 Admitted” signage at all entrances to the establishment. An image of this sign image can be found at www.wichita.gov.
 - Excluding people under age 18 from inside the business, except for employees who were already employed on September 4, 2008.
 - Obtaining and keeping on file signed statements from all employees that they have been advised of the dangers of tobacco smoke and that no safe level of environmental tobacco smoke has been identified.
 - Keeping the premises and records available for inspection.
4. *Businesses with individual hotel rooms, motel rooms, apartment residences or residential dwellings.* These businesses may designate all or a portion of their individual guest rooms, apartments or other residential units as areas where smoking is permitted. Public areas of these businesses (lobbies, restaurants, pools, offices, etc.) require “No Smoking” signs. If desired, a smoking room may be installed, provided a permit is obtained and the requirements for smoking rooms under Item 2 are met. Sign images can be found at www.wichita.gov.

How can I obtain additional information?

- The City of Wichita Web site (www.wichita.gov) contains the smoking ordinance, an informative brochure, Quick Facts, Frequently Asked Questions, Information for Businesses, printable signs, smoking permit applications and a secondhand smoke fact sheet.
- Questions about smoking rooms and signage: City of Wichita Office of Central Inspection: (316) 268-4479
- Questions about smoking room or smoker-friendly business permits: Express Office on the first floor of City Hall, 455 N. Main (316) 268-4553
- To report complaints as they are occurring: Wichita Police Department: (316) 268-4111
- Other questions: City of Wichita Food Protection and Tobacco Control Program: (316) 268-8351