

Breathe Easy, Virginia

Restaurant Smoking Ban FAQs

How will the smoking ban affect my restaurant?

Effective December 1, 2009, smoking will be prohibited and no person shall smoke in any restaurant in the Commonwealth or in any restroom within such restaurant.

Why is a smoking ban important?

Implementing a smoking ban will protect the health of restaurant employees and customers, encourage business, and ultimately save lives by reducing exposure to second-hand smoke.

What do I need to do to comply with the smoking ban?

- Prohibit smoking in your restaurant.
- Remove all smoking paraphernalia including ash trays (match books may be provided to customers as souvenirs).
- Post no smoking signage. You may post a sign on the front door that says "no smoking," a universal no smoking sign, or the Smoke Free Alexandria sign. The Health Department will provide a complimentary Smoke Free Alexandria sign upon request.



Are there any exceptions to the smoking ban?

Yes. Private clubs are exempt from the smoking ban. A private club is defined as an organization, incorporated or not, that:

1. Is used exclusively for club purposes, including club or member sponsored events,
2. Is operated solely for recreational, fraternal, social, patriotic, political, benevolent, or athletic purposes,
3. Has bylaws, a constitution, or both, and
4. Has a board of directors, executive committee, or similar body chosen by members at an annual meeting.

What about exceptions for public restaurants?

Smoking may be permitted in:

1. Outdoor areas of restaurants that are not enclosed, or
2. Any indoor area that is structurally separate and separately vented from non-smoking areas. At least one public entrance into the non-smoking area must be provided directly from the exterior of the restaurant.

What does structurally separate mean?

Walls surrounding the smoking area must be impermeable and extend from the floor to a rigid ceiling or to the bottom of the floor or roof deck above lay-in ceilings, resulting in a physically separate room. Doors into the structurally separate area do not need to have gaskets.

What does separately vented mean?

The smoking area must have a physically separate HVAC system which is exhausted directly to the outdoors and must maintain a constant negative air pressure relative to the adjacent spaces.

How many seats need to be in the non-smoking area?

The Smoking Prohibitions Code of the City of Alexandria require non-smoking areas in restaurants to consist of at least 50% of the indoor seating capacity; provided that no single non-smoking area shall consist of fewer than 10 seats or 12% of the indoor seating capacity, whichever is larger. There may be some exceptions for restaurants approved prior to 1988.

The Smoking Prohibitions Code also requires at least 25% of the outdoor seating capacity to be non-smoking; provided that no single non-smoking area shall consist of fewer than 10 seats or 10% of the outdoor seating capacity, whichever is larger.

I would like to have a smoking area in my restaurant, but my restaurant does not meet the structurally separate and separately vented requirements? What is the next step?

You will need to renovate your facility to meet the requirements. Plans must be submitted to Code Administration for review. Once Code Administration approves your plans you may begin renovations. Upon completion of renovations, Code Administration must conduct an inspection. After Code Administration conducts an inspection and grants approval to use the smoking area contact the Health Department.

I would like to have a smoking area in my restaurant and my restaurant already meets the structurally separate and separately vented requirements? What is the next step?

Contact Code Administration to schedule an inspection. Code Administration will conduct an inspection to determine if your restaurant complies with the requirements. After Code Administration conducts an inspection and grants approval to use the smoking area contact the Health Department.

I still have questions. Who may I contact?



Alexandria Health Department
4480 King Street
Alexandria, VA 22302
703.746.4910



Building & Fire Code Administration
301 King Street, Suite 4200
Alexandria, VA 22314
703.746.4200