

Smoking in Outdoor Dining Areas

What does the Santa Monica law say?

Business owners and managers can be liable if they “knowingly or intentionally allow” people to smoke at outdoor dining areas in Santa Monica. The smokers themselves are also liable.

What does “knowingly or intentionally” mean?

It means that an employee sees people smoking but does nothing to stop them. Two examples are: providing ash trays, and continuing to serve patrons while they’re smoking.

What are employees supposed to do to stop people from smoking?

There are many ways. The approach is similar to curbing any kind of behavior that’s not allowed. Generally the first step is to politely inform the smoker of the law. If that doesn’t work, businesses often stop serving the patron, or eventually ask the patron to leave. Employees are not required to use physical force or risk bodily harm.

Do businesses also have to post signs?

Yes. All businesses with outdoor dining areas must post conspicuous no-smoking signs in those areas.

How can I get more information?

Call the City Attorney’s Office (310-458-8336).