



City of Seattle
Office of the Mayor
Edward B. Murray, Mayor

Multi-Department Enforcement
& Legislation Regarding
Tobacco Sales and On-Premise Smoking

In accordance with RCW 70.160.030 and King County Board of Health Code Chapter 19.03, smoking is prohibited in places of employment, public places, and also within 25' of doors, windows, and air intakes. Despite this prohibition, smoking lounges have been tolerated in the City of Seattle by multiple administrations. In addition, until the recent passage of legislation, the City of Seattle did not have the appropriate legal authority that could be used effectively to pressure business owners into shuttering their illegal businesses.

Smoking lounges have been the catalyst for a range of public safety and public health concerns that demand immediate attentions to ensure the safety of our residents and health of the employees and patrons of these businesses.

Public Safety Concerns

- In the past 18 months, there have been 3 homicides near smoking lounges.
- 4 smoking lounges currently in operation have had shootings near their premises.
 - The same weekend that there was a homicide near King's Hookah Bar, there were shots fired near Beacon Hill Espresso hookah lounge.
- In 2013, during one 8 month period, there were 6 shots fired incidents outside of smoking lounges.
- Since 2012, there have been in excess of 100 fights and disturbances connected to smoking lounges requiring SPD response.
 - While not all smoking lounges attract violence, the extraordinary levels of violence connected with many of them, combined with the fact that they are operating in violation of state law and public health codes, demands action.

Public Health Concerns

- Hookah use by youth and college students is increasing.
- In 2010, the Monitoring the Future survey found that among high school seniors in the United States, about 1 in 5 boys (17%) and 1 in 6 girls (15%) had used a hookah in the past year.
- Other small studies of young adults have found high prevalence of hookah use among college students in the United States. These studies show past-year use ranging from 22% to 40%.
- Because of the way a hookah is used, smokers may absorb more of the toxic substances also found in cigarette smoke than cigarette smokers do.
 - An hour-long hookah smoking session involves 200 puffs, while smoking an average cigarette involves 20 puffs.
- The amount of smoke inhaled during a typical hookah session is about 90,000 milliliters (ml), compared with 500–600 ml inhaled when smoking a cigarette.

Multi-Department Enforcement Efforts

The Seattle Police Department (SPD), the Department of Finance and Administrative Services (FAS) and Seattle-King County Public Health have been sending teams of inspectors to smoking lounges during peak hours of operation multiple times over the past couple of weeks and will continue to do so on a regular basis over the summer of 2015. Inspectors are cataloging and issuing citations for any violations of state, county or city law that they can identify.

Next Steps

- The recently passed Ordinance 124808, part of Mayor Murray's cannabis enforcement and business license legislative package, included a new provision that permits the Director of FAS to revoke a business license if a business has been determined under a separate enforcement process to be operating in violation of the law.
- This new ordinance would allow FAS to revoke a business license from a smoking lounge once it has been informed by a city or county agency that a given business is operating in violation of the law.
- For instance, a violation that could lead to a revocation of a business license would be a citation from Seattle-King County Public Health for violating state law regarding indoor smoking.
- After a business has been informed of the revocation of their business license, they have 30 days to appeal to the Hearing Examiner. If the Hearing Examiner affirms FAS' decision, the business owner may appeal to King County Superior Court within 14 days of the Hearing Examiner's decision
- After an initial civil citation, each day a business operates without a business license may constitute a separate misdemeanor charge.
 - The maximum penalty for operating a business without a business license is a \$5,000 fine and/or 364 days in jail.

New Legislative Proposal

Current enforcement efforts underscore the problems associated with currently operating smoking lounges. However, new legislation is needed to ensure new smoking lounges are prevented from opening. As such, the Mayor will work with the City Attorney to transmit to the City Council a proposal that will explicitly prohibit any business that sells tobacco for use on their business premises. This will ensure that no such business is able to obtain a business license or other city permits due to loopholes in the city regulations. In addition it will allow for a more streamlined and efficient enforcement process as city agencies will be able to conduct their own enforcement efforts.

