

Exemptions to Prohibitions on Smoking and Vaping in Public Places

This chart contains details on the exceptions allowed for smoking and vaping in public places. Only locations that provide for some form of exemption are included. Note that 3 local jurisdictions are not included because staff were unable to find the actual regulations and thus were unable to verify any details related to the exemptions.



Locations with smoking/vaping laws that allow exceptions	Use Permitted in Vape Shops	Vape Shop Access to Minors Restricted	Vape Only Retailer	Ventilation Requirements	Other Restrictions	Sunset Provision	Vaping Allowed in Other Locations	Smoking Allowed in Other Locations
Delaware	Yes	Yes			Does not share indoor common space with any other business unless there are doors between spaces that remain closed			
Utah	Yes, by retailer for purposes of demonstrating use and by customer for sampling	Yes	Vaping devices must constitute at least 75% of gross sales			July 1, 2017		Designated areas with appropriate ventilation systems
Artesia, CA	Yes, unless otherwise limited by the land use limitations of zoning ordinance							
Los Angeles, CA	Yes	Yes, unless accompanied by parent/guardian	Vaping devices is sole business		No consumption of alcohol or food allowed			
San Diego, CA	Yes						Vape lounges with police permit; designated vaping areas approved by the City	Designated areas approved by the City and by permit if unique or unusual circumstances
Santa Monica, CA	Yes, but only at the two businesses that were locally licensed in Santa Monica as of June 24, 2014	Yes		Provided there is appropriate ventilation so as not to interfere with neighboring occupants				Designated areas
Santa Rosa, CA	Yes, in any existing retail tobacco/vaping stores for product sampling and new stores for sampling if building is freestanding (does not share walls, floors or ceilings)	Yes			For new stores, sampling allowed if building is freestanding (does not share walls, floors or ceilings)		In designated areas	Designated areas

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Arvado, CO	Yes, must be 18 years of age		Vaping devices/accessories are majority of revenues					
Louisville, CO	Patrons or employees 18 years of age or older							
Boca Raton, FL	Yes						Retail tobacco shops and standalone bars	Retail tobacco shops and standalone bars
Delray Beach, FL	Yes		Vaping devices are predominant business					Retail tobacco shops and standalone bars
Port Saint Lucie, FL	Yes							Retail tobacco shops and standalone bars
Vero Beach, FL	Yes							Retail tobacco shops and standalone bars
Chicago, IL	Yes		80% gross revenue					Retail tobacco shops in existence before Jan 1, 2008 or afterwards if freestanding structure with no other businesses
Hutchinson, KS	Yes						Outdoor areas, gaming establishments, adult care homes, smoke shops, certain clubs	Outdoor areas, gaming establishments, adult care homes, smoke shops, certain clubs
Cambridge, MA	Yes	Yes					Allowed in any restaurant outdoor seating area other than on a public sidewalk; Dorm rooms, nursing homes, smoke shops, jail	Dorm rooms, nursing homes, smoke shops, jail
Baltimore, MD	Yes	Yes	Primary activity				Also allowed in certain restaurants, taverns and video lottery facilities	Private clubs, smoking bars and retail tobacco shops
Beltrami County, MN	Yes, non-nicotine for purposes of sampling		90% gross income		Entrance door opens directly to the outside			
City of Washington, MO	Yes, for testing only				No alcoholic beverages or food	January 22, 2017		Pipe factories in existence before January 22, 2013 and meeting certain conditions
Tupolo, MS	Yes							Retail tobacco stores

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New York, NY	Yes						Retail tobacco stores, enclosed rooms in restaurants, bars, catering halls, etc. being used to promote and sample tobacco	Retail tobacco stores, enclosed rooms in restaurants, bars, catering halls, etc. being used to promote and sample tobacco
Philadelphia, PA	Yes						Tobacco Products Distribution Business	Tobacco Products Distribution Business; Specialty Tobacco Establishment; Private Clubs under certain circumstances; drinking establishments under certain conditions
Georgetown, TX	Yes	Yes			Not connected to or share an adjoining wall with any other business open to the general public or minors		Bar areas within restaurants if separate ventilation; existing bars or cocktail lounges; designated areas of health care facilities; non-profit private clubs	Bar areas within restaurants if separate ventilation; existing bars or cocktail lounges; designated areas of health care facilities; non-profit private clubs
Clark County, WA	Yes, for purposes of sampling		Exclusively sells, markets or distributes inhalent delivery systems	Possessing an independent ventilation system and mitigation measures that prevent transfer of inhalent vapors to neighboring structures				
Grant County, WA	Yes	Yes	No other retail activity					
Pierce County, WA	Yes, non-nicotine for purposes of sampling	Yes	Exclusively sells vapor products	Documentation by HVAC contractor of suitable ventilation	No more than 3 customers at a time; Customers cannot linger; Owners and employees cannot vape in the store; No seating or entertainment			

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Snohomish County, WA	Yes, for purposes of sampling	Yes	Exclusively sells vapor products	Documentation by HVAC contractor of suitable ventilation	Must have special permit sample; Cannot use any products brought onto the premises; Owners and employees cannot use in store except one employee at a given time can demonstrate use; No more than 5 chairs; Cannot allow patrons to linger			
Dane County, WI	Yes, for purposes of sampling				Entrance opening directly to the outside; no food service		Tobacco bars meeting certain conditions, but no cigarette or cigar smoking	Tobacco bars meeting certain conditions, but no cigarette or cigar smoking
Janesville, WI	Yes, for purposes of sampling						Private rooms in assisted living facilities	Private rooms in assisted living facilities; tobacco stores and bars in existence at time of enactment which only allow cigars and pipes to be smoked
Madison, WI	Yes, for purposes of sampling				Entrance opening directly to the outside; no food service; no smoking of tobacco products			Tobacco stores and bars in existence at time of enactment, no smoking of cigarettes or food service allowed, along with other conditions