

Subject: PUBLIC COMMENT: 4/27/2026 Agenda - Item #3 - BOS file 260361 - Smoke Free Places
Date: Thursday, April 23, 2026 at 4:29:42 PM Pacific Daylight Time
From: crgbennett@gmail.com
To: Birnbach, Kerry (ECN)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Commissioners,

"Devastating."

I have been involved in San Francisco's LGBT nightlife community for over 15 years, and that is the word I have heard repeatedly in the past week from colleagues, friends, bar employees and patrons in response to Supervisor Melgar's proposed ban on smoking on all bar patios (item #3 on your agenda; BOS File #260361). Over the past year, San Francisco has made significant progress in job in rolling back needless government restrictions and regulations on small businesses, and we cannot go backwards now.

As a reminder, current state and local law prohibits smoking in all indoor areas of bars. In addition, outdoor areas of restaurants must be smoke-free, and bars can already designate their outdoor areas as smoke-free if they so choose -- so this proposal is specifically targeting a minority of adult-only bars that have chosen to permit smoking in their outdoor areas for specific business reasons. This long-standing compromise was developed and approved by the Board of Supervisors after considerable discussion with impacted small business back in 2010.

While I am sure Supervisor Melgar's proposal was written with good intentions, it fails to recognize the nuances in San Francisco's diverse nightlife community, such as in our Leather & LGBTQ Cultural District. For example, the San Francisco Eagle has historically hosted numerous busy cigar events which would be deemed illegal should this legislation pass. Decades of comradery could be erased overnight, and our small businesses would lose reliable sources of income in an already challenging environment. Furthermore, the proposed legislation references a dubious "survey of more than 1,000 LGBT Californians." It is important to note that this "survey" was conducted by the LGBT Minus Tobacco advocacy organization, which receives grant funds from the State of California specifically to advocate against tobacco use. The "survey" was biased, unscientific, and did not represent the typical nightlife community in San Francisco. In fact, many other California cities with vibrant nightlife, particularly LGBT nightlife, have chosen NOT to ban smoking on bar patios -- among them: Los Angeles, Palm Springs, and West Hollywood.

Ironically, as item #4 on your agenda, you will be considering BOS File #260281 which could legalize the smoking of marijuana at some cafes that serve food and beverages. While I support this proposal, it would seem grossly hypocritical to expand the INDOOR smoking of marijuana at cafes while simultaneously banning the OUTDOOR smoking of tobacco at bars. Marijuana smoke, like tobacco smoke, is considered by the State of California's Office of Environmental Health Hazzard Assessment to be a cancer causing agent (<https://url.avanan.click/v2/r01/> <https://oehha.ca.gov/proposition-65/chemicals/cannabis-marijuana-smoke>).
.YXAzOnNmZHQyOmE6bzphZDg4YjZiNGEwNGQ0MDhIOWlyYTZmMDRmMjU5YjRmODo3OmViZjI6YzE1YWQ2NWU1ZDQ4MTMyNzY2M

While worker and customer safety is important, proponents of BOS File #260281 feel that appropriate safety mitigation techniques exist to permit the indoor smoking of marijuana at some adult-only cafes; certainly those mitigation techniques can be applied to the outdoor smoking of tobacco at adult-only bars.

I implore the Small Business Commission to center the voices in our local LGBTQ nightlife community, and to closely collaborate with our cherished nightlife institutions. Their voices deserve to be elevated over the grant-funded "LGBTQ Minus Tobacco" political advocacy organization which lacks well-established local roots.

Please take a strong stance in support of our small businesses and OPPOSE the ban on smoking on bar patios from the proposed legislation.

Sincerely,

Craig Bennett
San Francisco Resident & LGBTQ Community Member



April 27, 2026

Small Business Commission
San Francisco
1 Dr Carlton B Goodlett Place, Room 400
San Francisco, CA 94102

Dear Members of the Small Business Commission,

The American Cancer Society Cancer Action Network's (ACS CAN) mission is to end suffering and death from cancer, and we are committed to continuing that mission in San Francisco. San Francisco residents deserve to breathe clean air in all indoor and outdoor spaces, including outdoor patios of bars and taverns. Currently, San Francisco prohibits smoking anywhere food is served in indoor and outdoor dining areas of restaurants, cafes and coffee shops. However, the law does not include outdoor patios of bars and taverns. This is concerning as secondhand smoke can linger in semi-enclosed and outdoor areas of businesses, which can increase exposure levels for employees and customers alike. This exemption not only puts patrons and employees at risk of secondhand smoke exposure, but also residents of nearby homes and apartments (including children, seniors, and people who are at increased risk of respiratory illnesses and decreased lung function).

Evidence has consistently shown that smoke-free air laws do not result in the loss of revenues or business for establishments that adopt these policies. A 2005 study of California's statewide smoke-free restaurant and bar law (which went into effect in 1995 and 1998 respectively) found that the 1995 smoke-free restaurant law was associated with an increase in restaurant revenues, while the 1998 smoke-free bar law was associated with an increase in bar revenues (Cowling DW, Bond P, 2005). Additional studies have found similar results in other states.

ACS CAN strongly supports the adoption of this smoke-free outdoor bar patios ordinance in San Francisco. We recommend an amendment to the definition of "smoking" in the ordinance to include the use of electronic smoking devices. Thank you for your consideration of this ordinance and for prioritizing the health of the residents of San Francisco.

Sincerely,

A handwritten signature in cursive script that reads "Liz Hendrix".

Liz Hendrix
Government Relations Director, Northern California
American Cancer Society Cancer Action Network

Thursday, April 23, 2026 at 11:50:59 AM Pacific Daylight Time

Subject: Proposed Tobacco legislation. Occidental Cigar Club
Date: Thursday, April 23, 2026 at 10:37:41 AM Pacific Daylight Time
From: Zachary Ruta
To: Birnbach, Kerry (ECN)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To whom it may concern.
Members of the Small Business Commission of San Francisco.

My name is Zachery Ruta and I am an owner of the Occidental cigar club located at 471 Pine St, in district three.

Supervisor, Melgar's proposed tobacco legislation would force us to close our longtime downtown business down

For 32 years, we have operated as a downtown destination small business. This has been a substantial challenge through the years, with the financial crisis, the pandemic, and the current state of the downtown business environment.

We have worked through the years with supervisors Gonzales, Avalos, Maxwell, Marr, Chiu, and supervisor Peskin, maintaining the legality based on current legislation.

We recently signed a six year lease, which carries with it significant financial obligations. In addition, we still have a balance of over \$100,000 on an SBA loan we took out during the pandemic.

The bulk of the proposed legislation seems to be limited to outdoor smoking at regular bars, but as usual, the smoke free coalition always adds our legal business into all smoking legislation that they sponsor. We only exist because we have worked with the city over the years. We are a legal business, we are owner operated, and always will be owner operated.

Thank you very much for taking the time to hear from me.

Sincerely,
Zachery Ruta.
Occidental Cigar Club.
471 Pine Street, San Francisco
California. 94104.
(415)-685-1143
Sent from my iPhone
Sent from my iPhone

STAFF

Cynthia Hallett, MPH
President and CEO

Operations

Len Casey
Director of Operations

Joseph Cadiz
Accounting Manager

Andy Espejo
Web Content & IT Manager

Tricia Lew
Senior Information Specialist

Bibi Gellert
Information Specialist

Policy & Advocacy

Bronson Frick
Director of Advocacy

Liz Williams
Project & Policy Manager

Policy Surveillance

Maggie Hopkins
Director of Data Management &
Analysis

Development

Lyan Joy Pernala, MPA
Associate Director, Strategic
Partnerships

Cindy Kopper Soulier
Project Coordinator, Strategic
Partnerships

Rachel Crawley
Project Coordinator

Heidi Wohlwend
Donor Relations &
Communications Specialist

Holly Callahan
Gift Processing & Administrative
Manager

BOARD OF DIRECTORS

Sharon Y. Eubanks, JD
BOARD CHAIR

Joel Dunnington, MD
VICE CHAIR

Stella Aguinaga Bialous, DrPH, RN
SECRETARY

Cheryl Heaton, DrPH, MPA
Bruce Hetrick
Philip Huang, MD, MPH
Armando Jimenez, MPH

April 20, 2026

San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Re: File #260361 – Health Code – Smokefree Bar Patios

Dear members of the San Francisco Board of Supervisors,

Americans for Nonsmokers' Rights is writing to express our support for the proposed ordinance to end smoking and vaping on outdoor patios and in semi-enclosed rooms at San Francisco's bars and taverns.

Expanding the city's smokefree air law to these worksites will close a longstanding loophole to ensure that bar workers have the same right to breathe smokefree air on the job as other workers in San Francisco. We're also pleased that the proposal would reflect the state law requiring owner-operated bars and all hotel/motel rooms to be 100% smokefree indoors.

Action needs to be taken on this issue because bar staff are some of the only workers in San Francisco who are still exposed to secondhand smoke on the job, and they deserve to breathe clean air just like other workers in the city and around the state. Workers shouldn't have to choose between their health and their paycheck.

Smoking and vaping on outdoor patios is not just a nuisance; exposure to secondhand smoke in these spaces is also a health hazard. The U.S. Surgeon General concluded that there is no safe level of exposure to secondhand smoke, and even small amounts of tobacco smoke over short periods of time can be harmful.ⁱ

Exposure to secondhand smoke and aerosol released by smoked and vaped products remains a significant health threat. Secondhand tobacco smoke contains fine particulate matter called PM2.5—and aerosol from electronic smoking devices contains even smaller ultrafine particulate matter. Fine and ultrafine particles can be breathed deeply into the lungs and can cause lung irritation, asthma attacks, and makes respiratory infections more likely.ⁱⁱ Fine and ultrafine particles also constrict arteries, which can trigger a heart attack.ⁱⁱⁱ

Outdoor secondhand smoke levels in places where people gather can be high enough to exceed safe air quality guidelines, which creates a particular risk for workers in outdoor spaces like restaurant and bar patios.^{iv}

Air quality measurements were gathered at nine San Francisco bar patios in 2022, which found that six of the bars had air quality ranges that peaked in the EPA Air Quality Index's "unhealthy" range or higher, with one venue reaching into the

“hazardous” range. Bar staff and nonsmoking patrons deserve protection from breathing toxic smoke.

An air quality study in Canada found that laws for smokefree indoor areas of bars do not provide workers with adequate protection from secondhand smoke if smoking is still allowed on adjacent patios, and that in order to protect worker health, smoking should be not allowed on bar patios.^v Research also shows that smokefree policies for bar and restaurant patios result in decreased secondhand smoke exposure in these spaces.^{vi}

Smokefree bar patios are a well-established practice and San Francisco would be in good company by joining Oakland, San Jose, and more than 50 other cities and counties in the Bay Area, along with more than 120 communities around the state that have adopted these policies locally. We know these policies work well in practice, and smokefree laws are both good for health and good for business.

Adopting the proposed ordinance will create a level playing field that provides equal health protections, and a simple, strong and fair law that applies equally to all bars and taverns makes it easier for bar owners, patrons, and enforcement agencies to understand, follow, and comply with the law.

San Francisco has a long history of leadership in tobacco prevention, and we encourage you to continue prioritizing the health of all San Franciscans by enacting this ordinance.

Thank you for your leadership and desire to make San Francisco the best place to live, work, and visit. Please feel free to contact me at 510-841-3045 or Liz Williams at liz.williams@no-smoke.org or 510-333-4559 if you have questions, comments, or feedback.

Sincerely,



Cynthia Hallett, MPH
President and CEO

Americans for Nonsmokers' Rights is a national, member-based, not-for-profit organization based in Berkeley, CA that is dedicated to helping nonsmokers breathe smokefree air since 1976.

ⁱ U.S. Department of Health and Human Services. [“The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General,”](#) U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Office on Smoking and Health, 2006.

ⁱⁱ [“Air and Health: Particulate Matter.”](#) National Environmental Public Health Tracking Network, U. S. Environmental Protection Agency.

ⁱⁱⁱ American Nonsmokers' Rights Foundation, [Electronic Smoking Devices and Secondhand Aerosol Fact Sheet](#); July 2025.

^{iv} Licht, A.S.; Hyland, A.; Travers, M.J.; Chapman, S., [“Secondhand smoke exposure levels in outdoor hospitality venues: a qualitative and quantitative review of the research literature,”](#) *Tobacco Control* 22(3): 172-179, May 2013.

^v Zhang, B.; Bondy, S.; Ferrence, R., [“Do indoor smoke-free laws provide bar workers with adequate protection from secondhand smoke?”](#) *Preventive Medicine*, July 6, 2009.

^{vi} Azagba, S., [“Effect of smoke-free patio policy of restaurants and bars on exposure to second-hand smoke,”](#) *Preventive Medicine*, April 22, 2015.

Subject: Supporting Ordinance to Ensure Smoke Free Bar Patios
Date: Friday, April 24, 2026 at 2:15:09 PM Pacific Daylight Time
From: Adam Francis
To: Birnbach, Kerry (ECN)
CC: Conrad Amenta, Low, Jen (BOS)
Attachments: image001.png, image002.png

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello Members of the Small Business Commission:

The San Francisco Marin Medical Society (SFMMMS) and our more than 3500 members, which include physicians across all medical specialties and practice settings, urges you to support Supervisor Melgar's ordinance to ensure Smoke-Free Bar Patios in San Francisco. San Francisco is woefully behind in protecting small business employees and patrons from the dangers of second hand smoke, particularly in the Bay Area where **every other major city provides this protection**, including San Jose, Oakland, Fremont, Santa Rosa, Hayward, Sunnyvale, Santa Clara, Vallejo, Palo Alto, San Mateo, and dozens more.

SFMMMS is very sympathetic to the challenges of running a small business. Solo and small physician practices face similar regulatory and economic challenges. But as advocates for public health and safety, SFMMMS cannot condone exposure to second and third hand smoke. If any other type of business, large or small, were allowing for the exposure of toxic chemicals with no health benefits (which is what secondhand smoke is) to patrons or employees, the city would likely shut them down.

We all know the science: the Centers for Disease Control and Prevention (CDC) states **there is "no safe level of exposure to secondhand smoke."** People who do not smoke but who are exposed to secondhand smoke, even for a short time, can suffer harmful health effects, including:

- Lung, breast, and nasopharyngeal cancer.
- Bronchitis, asthma, and other respiratory infections.
- Heart disease and stroke.
- Damage to blood vessels and increased blood clotting.
- Type 2 diabetes. [\[1\]](#)

The arguments against smoke-free bar patios are the same arguments made by pro-smoking groups for decades. They are identical to the unfounded arguments made when restaurants were facing the prospect of smoking bans:

1. If we get rid of smoking inside restaurants, smokers will go outside and bother the people on the patio or sidewalk.
2. Some restaurants are smoke-free and others aren't; people should have a choice whether to

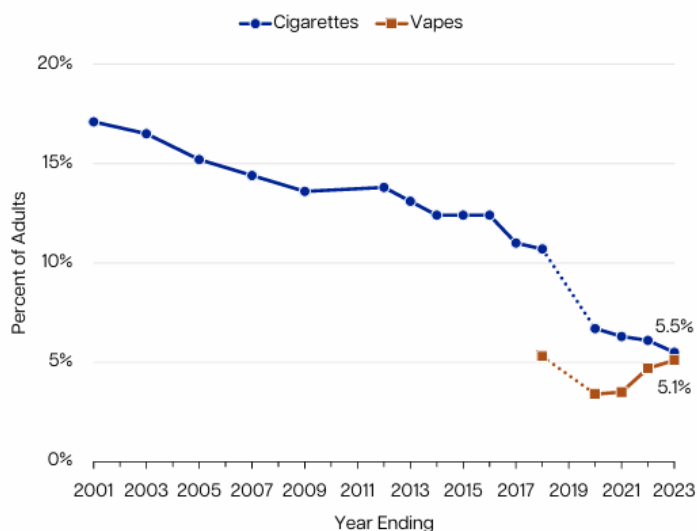
go to the smoking restaurant or the nonsmoking restaurant.

3. If smoking is prohibited, restaurants will go out of business.

These exact same arguments were made when the proposal to prohibit smoking inside bars was made. This will be at least the third time these claims have been made, but history has proven all of these arguments unsubstantiated. Not only is there no evidence of bar or restaurant closures or negative economic consequences as a result of city smoking ordinances, after the law designated indoor areas of California bars smoke-free in 1998, bar revenues continued to climb.^[2] A 2023-24 survey of 379 people who go to San Francisco bars with patios where smoking is allowed showed nearly half would go to those bars **MORE OFTEN** if the city required all bar patios to be smoke-free, and only seven percent would go less (the other 40 percent would go the same about).

Even more beneficial, laws reducing smoking use and exposure have caused smoking rates to decline significantly, improving public health and saving taxpayers billions of dollars in smoking-related health care costs.

Figure 1. Current Cigarette Use and Current Vape Use Among Adults Aged ≥18 Years, by Year—California Health Interview Survey, 2001 to 2022–23

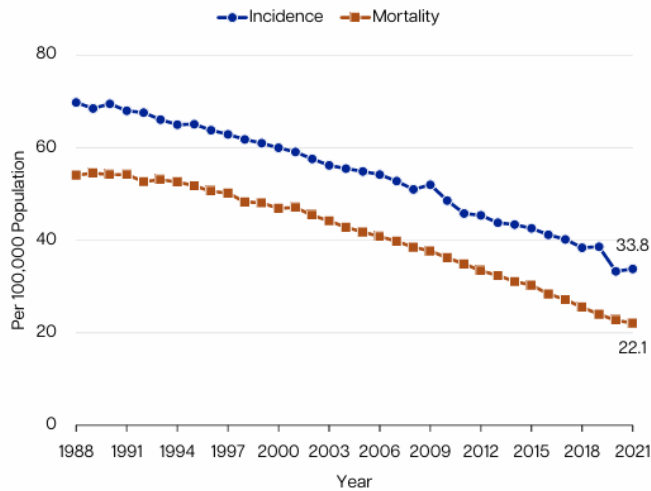


The break in trend is due to a methodology change. Current vape use was first collected of all adults in 2017.

Source: California Health Interview Survey. CHIS 2001 to CHIS 2023 Adult Files. Los Angeles, CA: UCLA Center for Health Policy Research; February 2025.

Cigarette use is the number one risk factor for lung and bronchial cancer. In California, lung and bronchial cancer incidence (number of new cases) and mortality (number of deaths) have decreased as restrictions on smoking have been implemented.

Figure 17. Lung and Bronchial Cancer Incidence and Mortality Rates Per 100,000 Population, by Year—California Cancer Registry, 1988 to 2021



Source: California Cancer Registry. CAL*Explorer: an interactive website for California Cancer Registry (CCR) cancer statistics. Updated June 27, 2024. Accessed March 19, 2025. <https://explorer.ccrca.org>

San Francisco law protects people from secondhand smoke nearly everywhere else in the city, including but not limited to farmer’s markets, sports arenas, movie lines, ATM lines, bus stops, parklets, restaurant patios, and indoor areas of bars. Closing the bar patio smoking loophole is supported by a wide range of organizations including SFMMS, the Bay Area Council, Harvey Milk LGBTQ Democratic Club, Folsom Street, the American Heart Association, co-owners of Teeth and Bender’s bars, bartenders, and many more.

The physicians of San Francisco urge your support of Smoke-Free Bar Patios for the health of small businesses, employees, and customers.

Thank you,

Adam Francis

Senior Director, Advocacy and Policy

San Francisco Marin Medical Society

Phone: 415.561.0850 ext. 200

www.sfmms.org

[1] https://url.avanan.click/v2/r01/https://www.cdc.gov/tobacco/secondhand-smoke/health.html_YXAzOnNmZHQyOmE6bzo2NmYxZjJkNGRhOGE0NjM1NjlmYmZiNGVlNDM4MWZlZTo3OmlyN2U6ZjIwN2E5MWNmZiU0NmZlMmUwZmZjNzcyZiZHMGRhMGNlMzBiYzFiOTFhYzUzZmY3ZTYxZTY3N2RlNDVhMzFjZjIj0kY6Tg

[2] https://url.avanan.click/v2/r01/https://faculty.washington.edu/apbond/research/he2005.pdf_YXAzOnNmZHQyOmE6bzo2NmYxZjJkNGRhOGE0NjM1NjlmYmZiNGVlNDM4MWZlZTo3OmVknzk6MTNlNzY4NjFmY2QzYzk1YWVM2ZWVhMzUyY2FkYTdiMzM4N2NkYjU3YjAxODU1M2QzMjFiMTE5ZWVhMzFjZjIj0kY6Tg