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| Smoking and vaping restrictions in outdoor drinking areas |
| Factsheet for businesses |

This factsheet provides general guidance on the smoking and use of e-cigarettes (vaping) restrictions in outdoor drinking areas and their interaction with smoke-free and vape-free outdoor dining areas.

Further detailed information is available in the *Smoking and vaping restrictions in outdoor drinking areas guide* available on the [tobacco reforms website](https://www.health.vic.gov.au/public-health/tobacco-reforms) <www.health.vic.gov.au/public-health/tobacco-reforms>.

### **Outdoor drinking and outdoor dining areas**

Changes to the *Tobacco Act 1987* mean that smoking and vaping is banned in all commercial outdoor dining areas in Victoria.

The introduction of smoke-free and vape-free outdoor dining now means there are two types of outdoor areas for dining and drinking activities.

An outdoor area can be either:

* an outdoor dining area, or
* an outdoor drinking area.

### **Outdoor drinking areas**

**Outdoor drinking areas** include the following places if predominantly used for the consumption of drinks:

* a balcony or veranda
* a courtyard
* a rooftop
* a marquee
* a street or footpath
* any similar outdoor area.

Drinks can include both alcoholic and non-alcoholic drinks such as coffee.

### **Existing smoking and vaping restrictions continue to apply**

Smoking and vaping in outdoor drinking areas are banned when:

* an area has a roof in place, **and** 
  + the total actual area of wall surfaces exceeds 75 per cent of the total notional wall area.[[1]](#footnote-1)

### **Outdoor drinking areas within 4 metres of outdoor dining areas**

To support smoke-free and vape-free outdoor dining, smoking and vaping banned in an outdoor drinking area if any part of that area is within 4 metres of an outdoor dining area, unless separated by a wall of at least 2.1 metres high.

This means that if any part of an outdoor drinking area is within **4 metres** of an outdoor dining area at the same or neighbouring venue, the business owner or manager of an outdoor drinking area will need to:

* ensure the outdoor drinking area is smoke-free and vape-free, or
* separate the two areas by:
  + 1. a 4-metre buffer zone, or
    2. a wall of at least 2.1 metres high.

A neighbouring venue is a different venue that is located immediately next to your venue.

### **Snacks can be eaten in outdoor drinking areas**

Customers can eat only snacks in outdoor drinking areas.

A snack is a pre-packaged shelf-stable food that:

* is sealed in the container or package in which the manufacturer intended it to be sold, and
  + does not require any preparation prior to serving.

Shelf-stable food means food that can be stored safely for long periods (months) at room temperature.

Snacks also include uncut and unpeeled fruit.

Examples of snacks include pre-packaged potato crisps, nuts and chocolate bars. Pre-packaged sandwiches and hot chips are not snacks.

### **Complying with the new law**

The following is general guidance about how to comply with the law.

#### Same venue

Figure 1: Separation by a 4-metre buffer zone

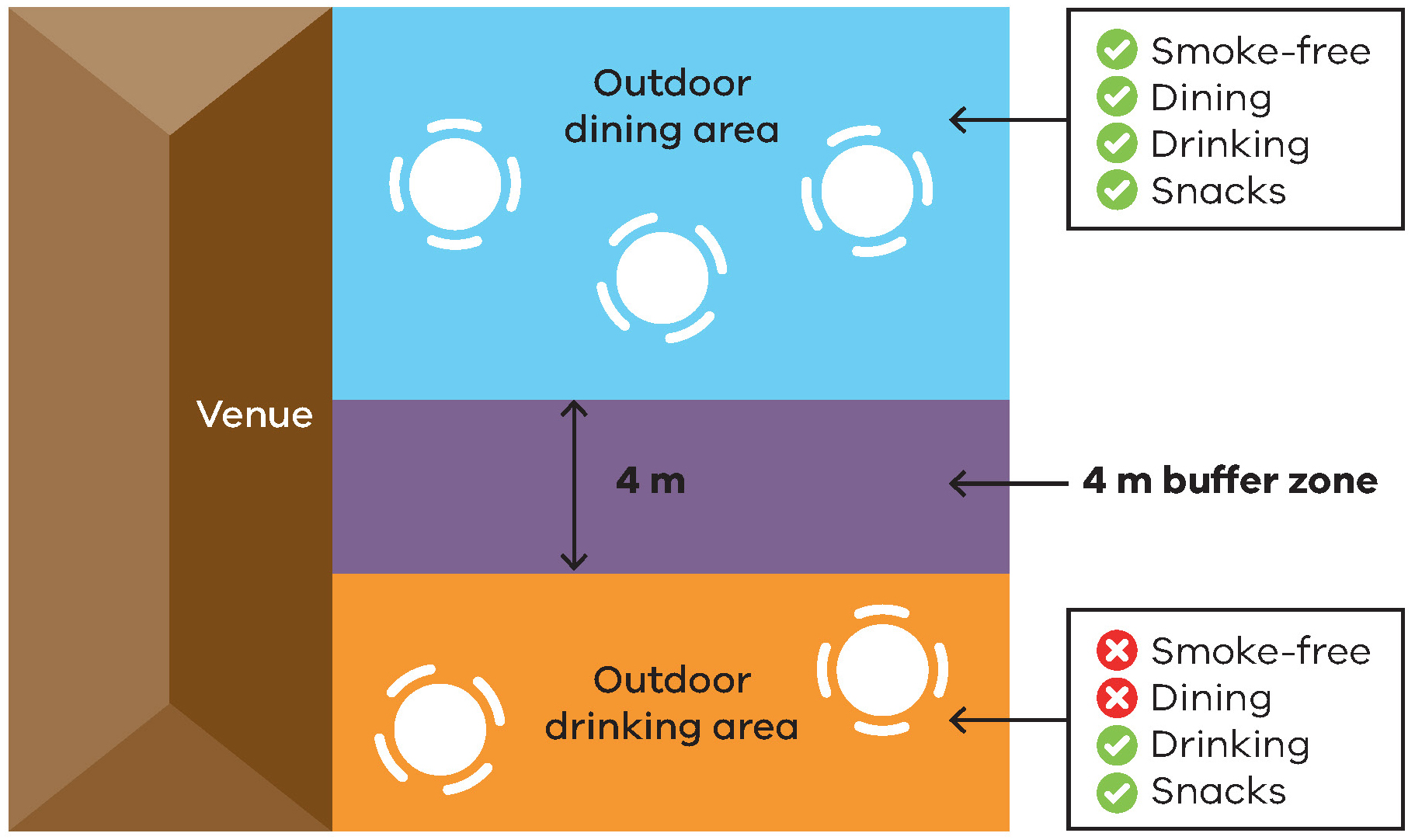
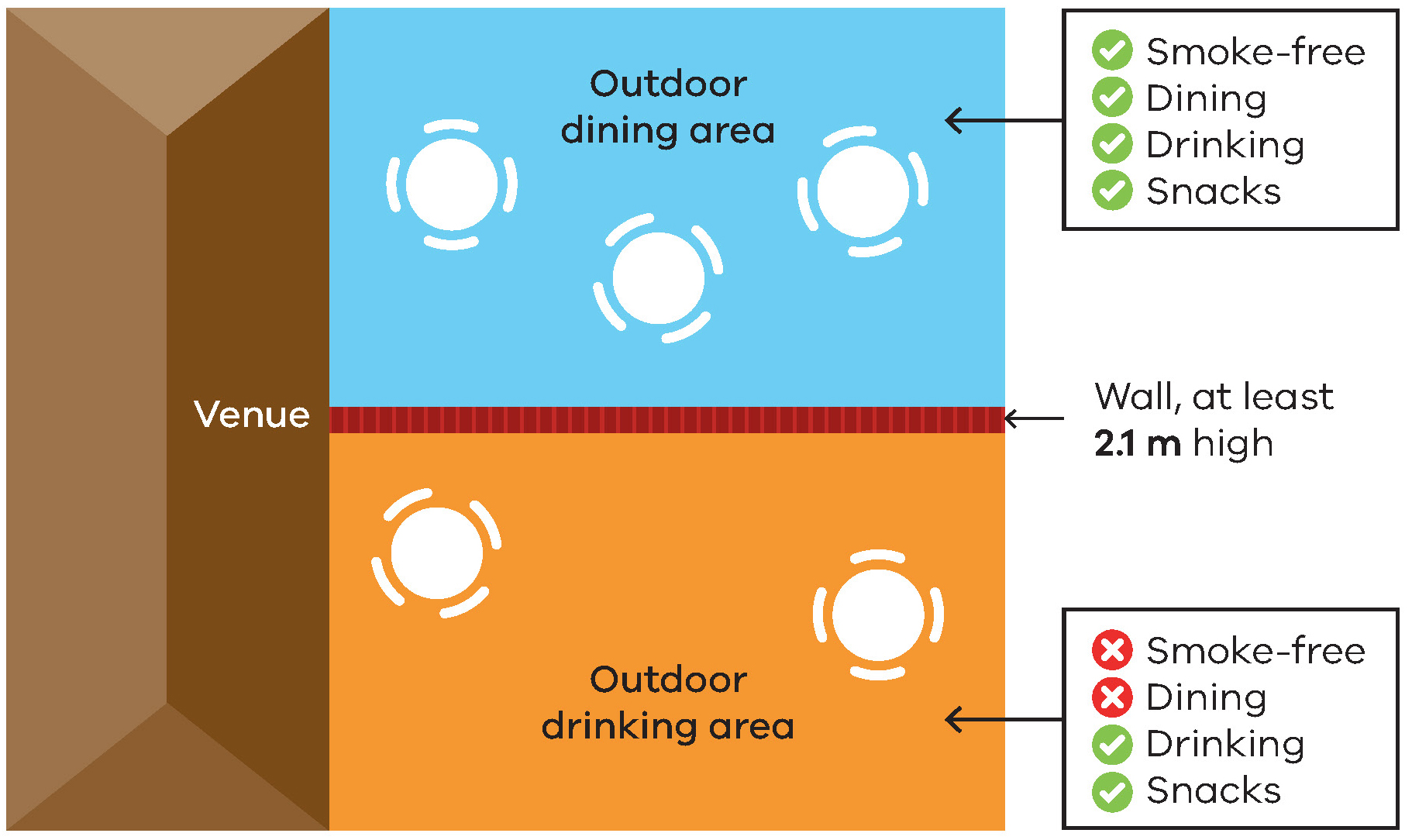


Figure 2: Separation by a wall of at least 2.1 metres high



\*A wall is a structure or device that prevents or significantly impedes lateral airflow, such as a water-resistant café blind.

#### Neighbouring venues

Figure 3: Separation by a 4-metre buffer zone (neighbouring venues on a footpath)

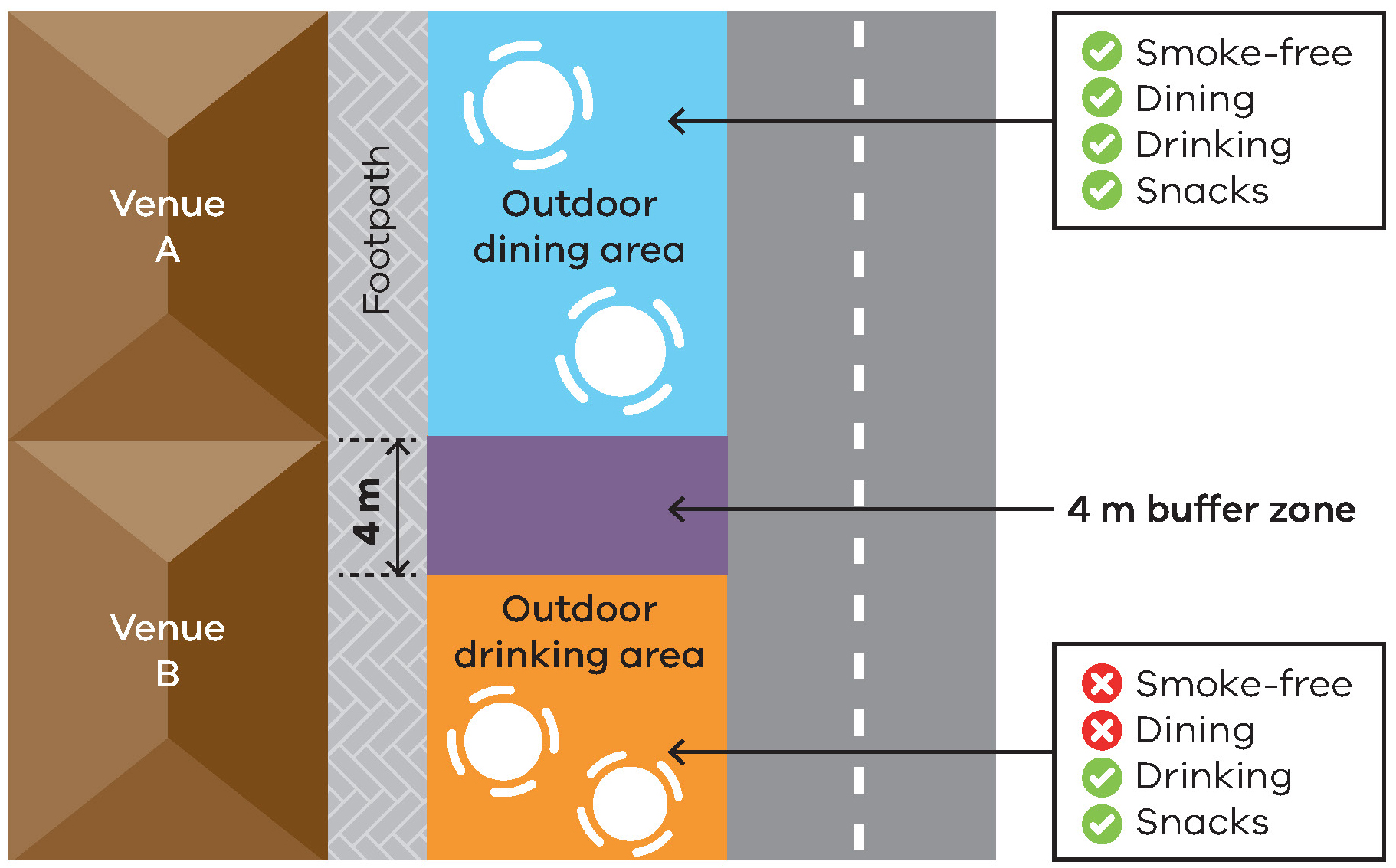
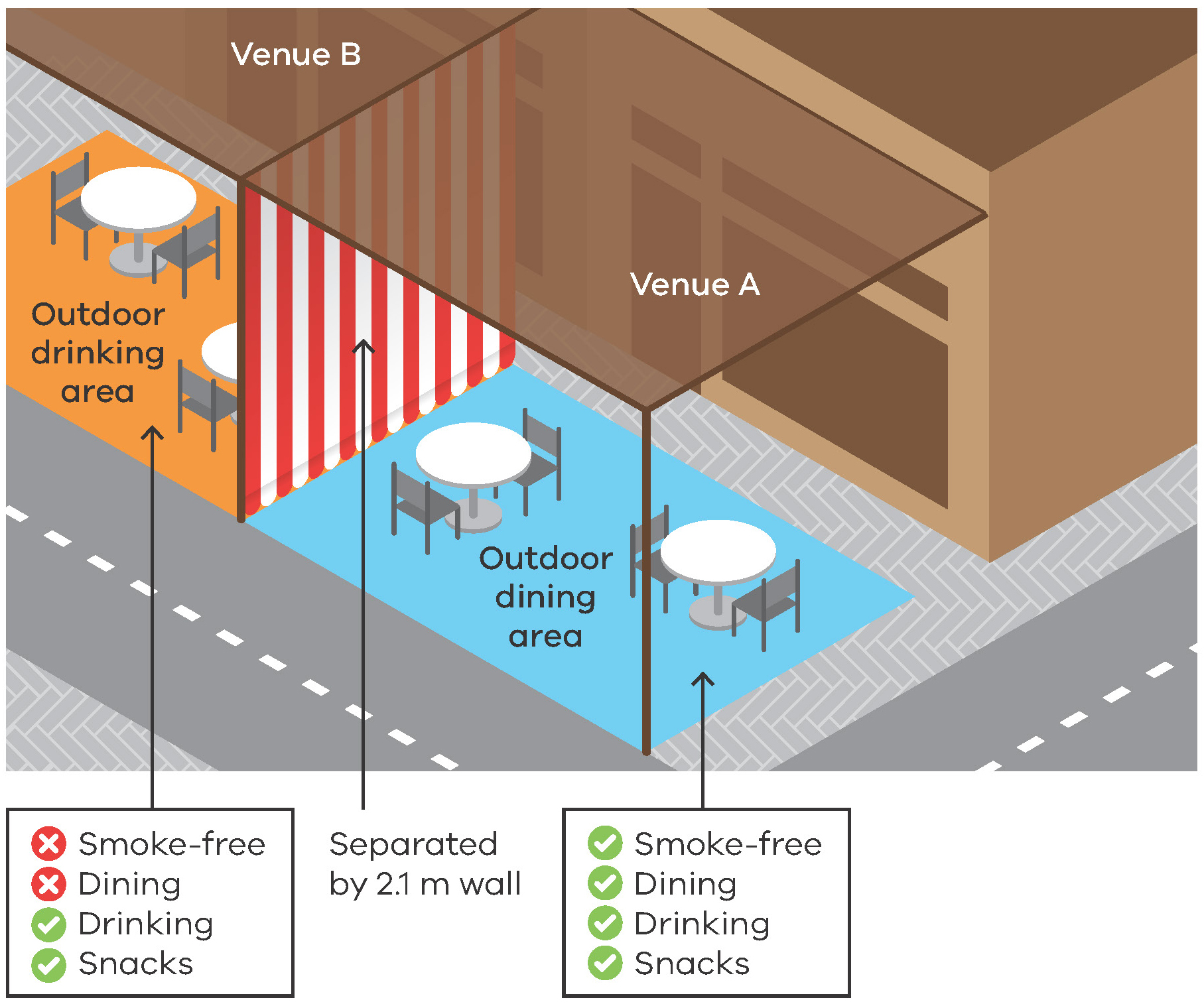


Figure 4: Separation by a wall at least 2.1 metres high (neighbouring venues on a footpath)



#### Go totally smoke-free and vape-free

You can make your venue totally smoke-free and vape-free. This will reduce the risk of non-compliance with the law and is the most effective way to protect customers and staff from smoke-drift and the aerosol from e-cigarettes that may drift.**Signage required**

Venues must display acceptable ‘No smoking’ signage to indicate smoke-free and vape-free areas. The signs must be displayed so customers can see a sign when entering, or within, the outdoor drinking area. Use of the ‘No Smoking or Vaping’ signage is voluntary.

Signs can be ordered free of charge from the [tobacco reforms website](https://www.health.vic.gov.au/public-health/tobacco-reforms) <www.health.vic.gov.au/public-health/tobacco-reforms>.

### **Further information and resources**

For more information:

* visit the [tobacco reforms website](https://www.health.vic.gov.au/public-health/tobacco-reforms) <www.health.vic.gov.au/public-health/tobacco-reforms>
  + call the Tobacco Information Line on 1300 136 775.

To view the exact wording of the law, visit the Victorian Government’s [legislation website](http://www.legislation.vic.gov.au/) <www.legislation.vic.gov.au> and search *Tobacco Act 1987.*

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1. The total notional wall area is the area of the wall surface if the walls were at the perimeter of the roofed area and continuous and of a uniform height equal to the lowest height of the roof. [↑](#footnote-ref-1)