

Are there any special circumstances where smoking is permitted?

Yes. Smoking is allowed in restaurants, bars, hotel and motel conference rooms, catering halls, convention halls and other similar establishments ONLY when the enclosed areas are being used for the sole purpose of inviting the public to sample tobacco products and the service of food and drink is incidental to such purpose. A business establishment may have no more than two of these events in a calendar year.

If my business is not listed in the above lists, does the act apply?

If your type of business is not specifically listed in the above lists, and you have employees, then you cannot allow smoking in your place of business. This includes the following but is not limited to:

- Any building located in amusement parks;
- Auto body shops;
- Billiard and pool halls;
- Bowling facilities;
- Factories;
- Gymnasiums;
- Mills;
- Public meetings;
- Storage facilities;
- Theaters; and
- Vehicles used for business.

Am I required to provide a smoking break room for my employees?

No. In fact, the act prohibits employers from providing a smoking break room for employees. Businesses with separately

ventilated rooms for their smoking employees cannot allow smoking in these rooms or anywhere else in the building.

Do I need to post signs?

Yes. A “No Smoking” sign or a sign with the international “No Smoking” symbol on it must be prominently posted and properly maintained where smoking is prohibited. You can find these signs at your local office supply, hardware or home improvement store.

What are the penalties?

Any employer who allows smoking in an area or establishment that is regulated by this law can be subject to a civil penalty of up to \$2,000 for each violation.

How can I find more information?

For more information about the law, call 1-800-458-1158, Ext. 2-7600. To file a complaint, call your local health department or district health office. You can find the telephone number in the government section of your telephone book or at www.health.state.ny.us.

Where can I get information on quitting?

If you smoke and want to quit, call the NYS Smokers’ Quit Line at 1-866-NY-QUITS (1-866-697-8487), for free information, or visit www.nysmokefree.com.



Preparing for a Smokefree New York.

Understanding the Expanded Clean Indoor Air Act

A Guide for Work Places.

Capital District Tobacco-Free Coalition



As of July 24, 2003, public and work places across the state will be smokefree. This includes bars and restaurants. By expanding New York's 1989 Clean Indoor Air Act to include nearly all public and work places, the state ensures both that all workers have a safe work place and that all nonsmokers, including children and senior citizens, can breathe smokefree air in the public places they visit.

What is the Clean Indoor Air Act?

The Clean Indoor Air Act (Public Health Law, Article 13-E) prohibits smoking in public and work places to protect employees and the public from secondhand smoke. New York is the third state in the nation to pass a comprehensive smokefree workplace act. California was first in 1998 and Delaware has been smokefree since November 2002.

What is secondhand smoke?

Secondhand smoke is the combination of smoke exhaled by a smoker and the smoke from a burning cigarette. This combination is dangerous for both the smoker and the nonsmoker. It contains more than 4,000 chemicals, including 43 known cancer-causing substances. Secondhand smoke kills approximately 62,000 nonsmokers each year in the United States.

Why do we need to get smoke out of restaurants and bars?

Waitresses have higher rates of lung and heart disease than any other traditionally female occupational group, according to a study published by the *Journal of the American Medical Association*. According to the same report, one shift in a smoky bar

is equivalent to smoking 16 cigarettes a day. According to the UC Berkeley School of Public Health, two hours in a smoky bar is the same as smoking four cigarettes.

What work places does the act apply to?

The act, Public Health Law Article 13-E, states that smoking shall not be permitted and no person shall smoke in the following indoor areas:

- Places of employment;
- Bars;
- Restaurants;
- Enclosed swimming areas;
- Public transportation including subways and subway stations; all ticketing, boarding and waiting areas; buses, vans, taxicabs and limousines;
- All places of employment where services are offered for children;
- All schools, including school grounds;
- All public and private colleges, universities and other educational and vocational institutions;
- General hospitals;
- Residential health care facilities, however, adult patients can smoke in

separately designated smoking rooms;

- Commercial establishments used for the purpose of carrying on or exercising any trade, profession, vocation or charitable activity;
- All indoor arenas;
- Zoos; and
- Bingo facilities.

Are there work places the act does not apply to?

Smoking is allowed in the following areas or businesses:

- Private homes, private residences and private automobiles when not used for day care;
- Hotel or motel rooms rented to one or more guests;
- Retail tobacco businesses (primary activity is the retail sale of tobacco products and accessories and the sale of other products is incidental);
- Membership associations where all duties related to the operation of the association are performed by volunteers who are not compensated in any manner;
- Cigar bars in existence prior to Jan. 1, 2003 (where 10% or more of total annual gross income is from the sale of tobacco products); and
- Up to 25% of outdoor restaurant seating areas with no roof or ceiling enclosure may be smoking.