



Frequently Asked Questions Expanded Clean Indoor Air Act

The expanded Clean Indoor Air Act will go into effect July 24, 2003. This act expands the 1989 Clean Indoor Air Act and further protects all New Yorkers at work and in public from deadly secondhand smoke.

Q: What is secondhand smoke?

A: Secondhand smoke is a combination of a smoker's exhaled smoke and the smoke from a burning cigarette. It contains more than 4,000 substances, including 200 known poisons and 43 cancer-causing substances and kills an estimated 62,000 nonsmokers each year in the United States.

Q: How can I file a complaint?

A: An employee or a member of the public can file a confidential complaint against a business that violates the act by contacting your local health department or district health office. You can find the number in your local telephone book or at www.health.state.ny.us.

Q: What are the penalties?

A: 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.

Q: Do I need to provide a smoking break room for my employees?

A: No. In fact, the law prohibits employers from providing a smoking break room for employees. Businesses with separately ventilated rooms for their smoking employees, including OSHA compliant smoking rooms, cannot allow smoking in these rooms or anywhere else in the building.

Q: Can I smoke in my private office in a commercial work establishment?

A: No.

Q: What organizations/businesses does this act not apply to?

A: There are very few organizations/businesses that this act does not apply to. Smoking is allowed in the following areas or businesses: private homes, private residences and private automobiles when not in use 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 merely incidental); membership associations where 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; up to 25% of the restaurant outdoor seating areas with no roof or ceiling enclosure, as long as the area is clearly marked and separated from the nonsmoking area. Any of these work places may choose to be entirely smokefree.

To learn more about the Expanded Clean Indoor Air Act, call 1-800-458-1158, Ext. 2-7600 or contact your local health department or district health office or visit www.health.state.ny.us.

If you smoke and want to quit, or know someone who wants to quit call the New York State Smokers' Quit Line at 1-866-NY-QUITS (1-866-697-8487) for free helpful information, or visit www.nysmokefree.com.