



Frequently Asked Questions Expanded Clean Indoor Air Act Restaurants and Bars

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 the public can file a confidential complaint against a business that violates the law by calling their 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 is 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 does incidental food mean?

A: The sale of food is not a significant source of revenue for the establishment.

Q: Are bars with only incidental food exempt?

A: No.

Q: What is a ceiling enclosure in outdoor eating areas?

A: Awnings, half-roofs, tents, patio roofs, etc.

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.