



How does this act affect private offices?

Employees with private offices cannot smoke in their office, or anywhere in the building.

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.

How will the act be enforced?

The owner, manager or operator of an area open to the public, food service establishment, or bar, that is covered by this Act must make a reasonable effort to prevent smoking.

How can I file a complaint?

Employees and the public may report, confidentially, violations of the Act to their local health departments, county board of health or their district health office for action. You can find the telephone number in the government section of your telephone book, or at www.health.state.ny.us.

Should signs be posted?

Yes. "No Smoking" or "Smoking" signs or a sign with the international "no smoking" symbol on it must be prominently posted and properly maintained where smoking is prohibited or permitted.

What are the penalties?

The enforcement officer for a city or county health department can assess a penalty of up to \$1,000 for each violation. In areas where the State Health Department is the enforcement officer, a fine of up to \$2,000 may be assessed.

How can I find more information?

For more information about the Act, call 1-800-458-1158, ext. 2-7600.

Where can I get information on quitting?

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



STATE OF NEW YORK
Department of Health

Antonia C. Novello, M.D., M.P.H., Dr. P.H., Commissioner

A GUIDE FOR EMPLOYERS TO

New York State's



Clearing the Air
of Secondhand Smoke:
Protecting the Health
of New Yorkers

Effective July 24, 2003

New York State's CLEAN INDOOR AIR ACT

Effective July 24, 2003, the amended New York State Clean Indoor Air Act (Public Health Law, Article 13-E) prohibits smoking in virtually all workplaces, including restaurants and bars. The changes in the Act reflect the state's commitment to ensuring that all workers are protected from secondhand smoke. Localities may continue to adopt and enforce local laws regulating smoking. However, these regulations must be at least as strict as the Clean Indoor Air Act.

What is secondhand smoke?

Also called environmental tobacco smoke (ETS) secondhand smoke is a mixture of the smoke given off by the burning end of a cigarette, pipe or cigar, and the smoke exhaled from the lungs of smokers. The U.S. Environmental Protection Agency (EPA) reports that secondhand smoke contains more than 4,000 substances, 43 of which are known to cause cancer in humans or animals and many of which are strong irritants.

The EPA estimates that secondhand smoke causes up to 62,000 deaths each year among nonsmokers in the United States, including 3,000 deaths due to lung cancer alone. An estimated 300,000 children nationwide develop lower respiratory infections each year as a result of exposure to secondhand smoke, with approximately 15,000 of these children hospitalized due to their infections. And, exposure to secondhand smoke is a primary cause of asthma.

Where is smoking prohibited?

The Act states that smoking shall not be permitted and that no person shall smoke in the following indoor areas:

- Places of employment;
- Bars;
- Restaurants;
- Enclosed indoor swimming areas;
- Public transportation including all ticketing, boarding and waiting areas; buses, vans, taxicabs and limousines;
- All places of employment where services are offered to children;
- All schools, including school grounds;
- All public and private colleges, universities and other educational and vocational institutions;
- General hospitals;
- Residential health-care facilities, except separately designated smoking rooms for adult patients;
- 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.

Where is smoking permitted?

Smoking is permitted in the following areas or businesses:

- Private homes and private residences when not used for day care; private automobiles;
- 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 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 January 1, 2003 (where 10% or more of total annual gross income is from the sale of tobacco products); and
- Up to 25% of seating in outdoor areas of restaurants with no roof or ceiling enclosure may be designated smoking areas.

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 serving food and drink is incidental to such purpose. A business establishment may schedule no more than two days in a calendar year for these events.

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.