

What do I do about a customer who refuses to comply?

Use common sense. The purpose of the act is to protect others from the harmful effects of secondhand smoke. DO NOT CALL the police unless the violator is threatening physical harm or is belligerent.

What if I choose not to ask customers to stop smoking?

If you fail to comply with the act, an employee or member of the public may contact your local health department or district health office to file a complaint.

What are the penalties?

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

How will the act be enforced?

The owner, manager, operator or another person having control of an indoor area open to the public, food service establishment, bar, or place of employment under this act will post appropriate signage and will inform or designate an employee to be responsible for informing individuals smoking that they are in violation of the act.

Enforcement of the act also will be achieved by a complaint system. Employees and the public may confidentially report violations of the law to their local health departments or district health office. You can find the telephone number for your local health

department or district health office in the government section of your telephone book.

How can I find more information?

For more information about the act, call 1-800-458-1158, Ext. 2-7600.

How can I file a complaint?

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.

How can I support my employees and patrons if they want to quit smoking?

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

This free telephone service provides smokers and people who want to help them quit with information and advice about how to quit successfully.



**Preparing for a
Smokefree New York.**

**Understanding the
Expanded
Clean Indoor Air Act**

**A Guide for
Restaurants and Bars.**

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 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 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. And according to the UC Berkeley School of Public Health, two hours in a smoky bar is the same as smoking four cigarettes.

How will this affect business and tourism?

Studies of cities and states with smokefree work place laws that include bars and restaurants provide strong evidence that the law will have a neutral or even a positive impact on the business. The California Smokefree Workplace Act has been in effect since 1998 and taxable annual sales for bars and restaurants show a steady increase. In 1998, sales were up more than five percent; in 1999, sales were up more than eight percent; and in 2000, sales were up more than nine percent. Additional studies of smokefree workplaces, including restaurants and bars, show profits increase with the increased productivity of their employees and a decrease in maintenance costs.

What does the law require me to do?

Beginning Thursday, July 24, 2003, you may not allow smoking at your establishment. If you see customers

smoking, you or your staff must tell them not to smoke indoors. With some exceptions, they are free to smoke outdoors.

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.

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

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

What about smoking in an outdoor section of a restaurant?

Up to 25% of seating in outdoor areas of restaurants with no roof or ceiling enclosure may be "smoking." The area must be at least three feet away from the non-smoking area. The smoking and nonsmoking areas must be clearly designated with signs.

How do I deal with people who want to smoke?

You or your staff must remind them of the law and can politely explain that they must step outside to smoke.