

What is the Clean Indoor Air Act?

The Clean Indoor Air Act prohibits smoking in public places and places of employment. Washington voters approved an expanded ban on smoking in public places and places of employment on November 8, 2005. The new law takes effect December 8, 2005.

What does the new law do?

Effective December 8, 2005, all Washington restaurants, bars, taverns, bowling centers, skating rinks, non-tribal casinos, and any other place of employment will be required to be smoke-free. Also, smoking is prohibited within 25 feet of all entrances and exits, windows that open, and ventilation intakes.

Do I need to post signs?

Yes. Signs prohibiting smoking must be conspicuously posted at each entrance as well as in prominent locations in your establishment. You may purchase "No Smoking" signs from many retailers including your local office supply, hardware, or home improvement store. You are not required to use a specific "No Smoking" sign. Free signs are available on the Web at www.wrahome.com and www.doh.wa.gov/tobacco.

How do I deal with customers who want to smoke?

You or your staff must remind your customers of the law and should politely explain that they must step outside to

smoke. Train your staff about what to say to customers, for example: *"This is now a smoke-free establishment, you'll have to put out your cigarette."* OR *"The new state law prohibits smoking indoors. Thank you for your cooperation."*

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

Use common sense. Use your normal protocol for removing a customer from your premises.

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. If a local health officer is present while someone is smoking in your establishment, you could be issued a violation.

How will the Act be enforced?

Compliance with the Act is the responsibility of the owner, manager, operator, or another person in charge of a public place or place of employment. Local health jurisdictions will enforce the Act for bars, restaurants, and other places of employment, and local law enforcement agencies maintain responsibility for enforcing the Act against individuals violating the law. To understand exactly how enforcement occurs in your county, call your local health department. You can find the telephone number for your local health

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

What are the penalties?

Local law enforcement can issue an infraction (similar to a traffic ticket) and a fine of up to \$100 can be imposed on those who violate the law by smoking in a public place or place of employment or destroying a sign as required by the law. For owners and operators of public places and places of employment, local health departments are required to first give you a warning that you have violated the Act. Subsequent violations are subject to a \$100 civil fine, which can be enforced for each day the violation continues. Local health departments may also serve you with a notice requiring you to correct the violation and may also ask the prosecuting or health department attorney to ask for an injunction to enforce the Act.

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 that currently have a separately ventilated room for their smoking employees or smoking customers cannot allow smoking in these rooms or anywhere else in the building. Basically, you must inform your smoking employees that they must go outside to smoke and that they must do so 25 feet away from the entrance, exit,

or any ventilation intake – failure to do so would make them subject to the same penalties as anyone else who violates the Act. Be sure to communicate clearly with your employees to ensure they understand the new smoke-free workplace law.

How do I enforce the 25-Foot Rule?

The 25-Foot Rule says that smoking is not allowed within 25 feet of an entrance, exit, or ventilation intake of your establishment. Business owner responsibility and liability only extends to areas of service under his/her control. Sidewalks, parking lots, and public streets are clearly not an "area of service" of the restaurant and therefore responsibility/liability would not fall on business operators. However, you should always tell your customers who are going outside to smoke about the 25-Foot Rule and that not complying could mean they might get a ticket from local law enforcement.

May I apply for an exemption from the 25-Foot Rule?

Yes. Exemptions are allowed to the 25-Foot Rule through your local health department. Exemptions from the 25-Foot Rule are to be granted only when the public health will be protected by a lesser distance AND if you can clearly and convincingly show that unique circumstances exist by the location of entrances or other factors and that the exemption will not allow smoke to reach

the entrance, exit, open windows, or ventilation intake.

How can I find more information?

For more information about the Act contact your local health department, the Washington State Department of Health (www.doh.wa.gov/tobacco), or the Washington Restaurant Association (www.wrahome.com).



Preparing for a Smoke-free Washington.

*Understanding the Expanded
Clean Indoor Air Act*

*A Guide for
Restaurants and Bars*



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