



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, county or State Health department can assess a penalty of up to \$2,000 for each violation.

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

Nirav R. Shah, M.D., M.P.H., Commissioner

A GUIDE FOR RESTAURANTS AND BARS 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.

Why was the state clean indoor air act amended to include 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.

What does the act require me to do?

Beginning Thursday, July 24, 2003, you may not allow smoking at your establishment. You must inform customers who are smoking that smoking is not permitted indoors. With some exceptions, they are free to smoke outdoors.

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.

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 designated smoking areas.

The area must be at least three feet away from the nonsmoking area. The smoking and nonsmoking areas must be clearly designated with signs.

Are there any special circumstances where smoking is permitted?

Yes. Smoking is permitted 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.

What should I do if customers insist on smoking?

You or your staff must remind them of the Act and you may politely explain that they must step outside to smoke. If a customer refuses to comply with the Act, 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.