



Q&A for Workplaces

What is the Clean Indoor Air Act?

The Clean Indoor Air Act (RCW 70.160) is a state law that prohibits smoking in public places and workplaces to protect employees and the public from secondhand smoke. The citizens of Washington approved Initiative 901 (I-901), which expands the Act and makes Washington the 10th state in the nation to have a comprehensive smoke-free workplace act.

Does the law apply to me?

Beginning Thursday, December 8, 2005, smoking is not allowed in public places or places of employment. "Public place" means any place used by and open to the public. "Place of employment" means any area under the control of a public or private employer through which employees are required to pass during the course of employment.

What does the law require employers to do?

If you operate a public place or place of employment, smoking is not allowed at your establishment effective December 8, 2005. If you see customers, staff, or visitors smoking, you or your staff must tell them not to smoke indoors. Smoking outside your establishment is prohibited within 25 feet of entrances and exits, windows that open, and ventilation intakes.

Do business owners need to post signs?

Yes. A "No Smoking" sign must be conspicuously posted at each entrance as well as in prominent locations in your establishment. You can download printable signs at:

www.secondhandsmokesyou.com or www.doh.wa.gov/tobacco/secondhand/secondhand.htm.

You may also purchase "No Smoking" signs from many retailers, including office supply, hardware, and home improvement stores. You are not required to use a specific "No Smoking" sign. Also consider posting signs near entrances, exits, windows, and ventilation intakes to advise smokers to move away from those areas to meet the requirements of the presumptive reasonable distance, referred to as the "25-Foot Rule".

How would business owners apply the 25-Foot Rule?

In Section 6 of the Clean Indoor Air Act, it states that smoking is prohibited within a presumptively reasonable minimum distance of 25 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited to ensure that tobacco smoke does not enter the enclosed area.

The responsibility of a business owner extends to areas of service under his or her control. Sidewalks, parking lots, and public streets are not areas of service for most businesses and therefore not included in the areas of business owner responsibility. Individuals violating the law are under the jurisdiction of local law enforcement.

Businesses must make customers aware of the 25-Foot Rule and that non-compliance with the law could result in a ticket from local law enforcement, unless the business is operating under a waiver that reduces the distance allowed.

How can I prepare my employees/customers for implementation of the new law?

Talk to your employees about the new law and prepare your customers by advertising the effective date of the new law. Develop a smoke-free workplace policy consistent with the law if you do not currently have one in place and make sure your employees are fully informed. You can also 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 smoke outside”* OR *“The new state law prohibits smoking indoors. Thank you for your cooperation.”* You can also go smoke-free before the effective date, as well as post signs and remove ashtrays.

How do I deal with people who want to smoke?

Develop a policy that clearly outlines how your business will enforce both your new smoke-free policy and the 25-Foot Rule to protect indoor air quality. If a patron is attempting to smoke indoors, you or your staff must remind them of the law and explain that they must step outside and away from openings that allow smoke to transfer indoors.

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

The purpose of the Act is to protect others from the harmful effects of secondhand smoke. Use your normal protocol for removing an unruly 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.

How will the act be enforced?

Compliance with the Clean Indoor Air Act is the responsibility of the owner, manager, operator, or another person in charge of an area open to the public or place of employment. Local health jurisdictions will enforce the Clean Indoor Air Act for businesses, including bars and restaurants, and local law enforcement agencies will maintain responsibility for individuals violating the law.

Additional enforcement will be achieved by a social compliance system. This means employees and the public may confidentially report violations of the law to their local health departments. Contact your local health department for more detailed information concerning how enforcement occurs in your county.

What are the penalties for individuals and businesses?

A civil fine of up to \$100 can be imposed on those individuals who violate the law by smoking or destroying a sign allowed by the law. Businesses will receive an initial warning serving as a notice for correction but then can be fined up to \$100 per day as long as the infraction continues.

How will this affect business?

Studies of cities and states with smoke-free workplace laws that include bars and restaurants provide strong evidence that the law will have a neutral or even a positive impact on businesses. Additional studies show profits increase with the increased productivity of their employees and a decrease in maintenance costs. Visit www.secondhandsmokesyou.com to read testimonials from business owners who have gone smoke-free.

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. Be sure to communicate clearly with your employees to ensure they understand the new smoke-free workplace law.

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 Washington State Tobacco Quit Line at 1-877-270-STOP (7867) for support from a trained specialist, or visit www.quitline.com for more information.

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 smokers and nonsmokers. According to the Centers for Disease Control and Prevention, secondhand smoke contains more than 4,000 chemicals, including 50 known cancer-causing substances. Secondhand smoke kills 38,000 nonsmokers each year in the United States. People exposed to secondhand smoke greatly increase their risk of developing lung cancer, heart disease, asthma, bronchitis, ear infections, pneumonia, croup, and sore throats.

Why do we need to eliminate secondhand smoke in the workplace and public places?

Eliminating secondhand smoke will improve the health of employees and customers, reduce health care costs, and save businesses money by reducing cleaning and maintenance costs.

Why do we need to eliminate secondhand smoke in restaurants and bars?

All workers deserve to be protected from the harmful effects of secondhand smoke. 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*. The same study reports that one work shift in a smoky bar is equivalent to smoking 16 cigarettes a day. Two hours in a smoky bar is the same as smoking four cigarettes, according to the University of California Berkeley School of Public Health.

How can I find more information?

For more information about the Act, visit www.doh.wa.gov/tobacco/secondhand/secondhand.htm, www.secondhandsmokesyou.com, or contact your local health department.