

## **Smoking in Public Places Brief Summary of the New Law**

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### **What changes will the public see with this new law?**

Beginning January 2, 2010

- Smoking will not be allowed in enclosed areas of almost all restaurants and bars. The new law does not apply to certain cigar bars that are open only to people over the age of 21.
- Smoking will not be allowed in enclosed areas of lodging establishments, such as hotels, motels, bed and breakfasts, and inns, if the establishment prepares and serves food or drink. An establishment may designate 20% of its guest rooms as smoking rooms.
- Smoking will not be prohibited by law in *unenclosed* areas of restaurants, bars, and lodging establishments. An area is considered to be enclosed if it has (1) a roof or other overhead covering and (2) walls or side coverings on all sides or on all sides but one. For example, a patio with a solid roof but no walls would be considered *unenclosed* but a patio that has a canvas roof and canvas walls on three of its four sides would be considered *enclosed*.
- Smoking will not be prohibited by law in private clubs, such as country clubs and private non-profit organizations. These locations, and any others, may still establish voluntary policies prohibiting smoking.
- Local governments, such as cities and counties, will have new authority to adopt local laws regulating smoking in public places. A local law may not change the state law to allow smoking in restaurants, bars and lodging establishments, but it could prohibit smoking in more places. There are several limitations on and exceptions to this new local authority.

### **What do people in charge of restaurants, bars and lodging establishments need to do?**

A person in charge of a restaurant, bar or lodging establishment will need to

- Post no-smoking signs in conspicuous locations
- Remove indoor ashtrays and other smoking receptacles
- Direct a person who is smoking to extinguish the cigarette, cigar or other item.

### **What do smokers need to do?**

A person who smokes will need to be aware of and attentive to signs indicating that smoking is prohibited. If a person is smoking and is asked by the person in charge of the venue to extinguish the cigarette, cigar or other item, the smoker should immediately extinguish it.

### **How will the new state law be enforced?**

- If a person in charge of a restaurant, bar or lodging establishment does not comply with the new law, the local health director may impose a fine of up to \$200 per violation. The health director must provide two written warnings before imposing such a fine.
- If a smoker refuses to extinguish a lighted product after receiving oral or written notice from the person in charge of the venue, the smoker can be issued an infraction and fined up to \$50. A law enforcement official would need to issue the infraction. The smoker may not be charged with a misdemeanor.
- A state or local public health official could also ask a court to order a noncompliant smoker or venue to comply with the law (i.e., issue an injunction).