

The Maryland State Clean Indoor Air Act: A Guide for Bars and Restaurants



WHAT IS THE CLEAN INDOOR AIR ACT OF 2007?

The Clean Indoor Air Act of 2007 prohibits smoking in virtually all indoor workplaces, including restaurants and bars. The law provides for fair and consistent statewide protection from exposure to secondhand smoke in indoor settings. Workers in the retail and hospitality industries will now have healthier workplaces and Marylanders will be able to breathe clean, smoke-free air when eating out or spending a night out on the town.

WHAT DO I HAVE TO DO TO COMPLY WITH THE LAW?

Effective *February 1, 2008* at 12:00 a.m., smoking is prohibited in all bars, restaurants, pubs, taverns, and most other businesses with indoor areas open to the public in Maryland. If you own or operate one of these establishments, you must do two things:

- Prohibit smoking in your establishment
- Post “NO SMOKING” signs conspicuously at each entrance and in prominent locations inside your establishment

Some jurisdictions may have local ordinances with additional requirements. Check with your local health department, the Clean Indoor Air Act Help Line at 1-866-703-3266, or www.mdcleanair.org for further information.

WHAT KINDS OF SIGNS HAVE TO BE POSTED, AND WHERE MUST THEY BE POSTED?

Starting on February 1, 2008, all indoor areas open to the public and every public entrance to an indoor area open to the public where smoking is prohibited in a bar or restaurant must display conspicuously a “NO SMOKING” sign, either in words or the international symbol for no smoking consisting of a burning cigarette enclosed in a circle with a bar across it.

Posting signs before the law’s effective date of February 1, 2008 will help make the change to smoke-free air smooth for both employees and customers – businesses are free to do this at any time prior to this date. You may also want to use special smoke-free coasters, napkins or buttons to help get the word out. Free, downloadable signs and materials are available at www.mdcleanair.org or may be purchased from local office supply, hardware and home improvement stores.

CAN EMPLOYEES SMOKE ANYWHERE INDOORS?

No. Smoking is not permitted anywhere inside the premises, including private offices and break rooms. Businesses that currently have a separate room for smoking can no longer allow smoking in these rooms or anywhere else inside. You must simply inform your employees who smoke that they must go outside to smoke. Be sure to communicate early and clearly with your employees to ensure they understand how the new smoke-free workplace law applies to both them and your customers.

IS SMOKING OUTSIDE PROHIBITED?

Smoking outside of bars and restaurants is not prohibited under the Clean Indoor Air Act. However, some jurisdictions may limit smoking outside these establishments. In addition, while smoking is not prohibited on uncovered decks and patios, you should look carefully at the regulation to see whether a covered deck or patio is considered indoors or not. Structures with a ceiling that are enclosed by any combination of permanent or temporary walls, windows, or doorways, whether open or closed, or other physical barriers that go from the floor to the ceiling, are considered as indoor areas and subject to regulation [(COMAR 10.19.04.02(B)(9))].

HOW IS THE LAW ENFORCED?

Compliance with the law is the responsibility of the owner of the business. Local health departments will enforce the law. More information about enforcement is available by calling your local health department, the Clean Indoor Air Act Help Line at **1-866-703-3266**, or by visiting www.mdcleanair.org.

WHO CAN FILE A COMPLAINT UNDER THE LAW?

If you fail to comply with the new law, an employee or member of the public may file a complaint with the local health department. Ultimately, you may be issued warnings, fines or violations. Employees and the public may confidentially report violations of the Act by contacting their local health departments. Contact information can be found at www.mdcleanair.org

WHAT ARE THE PENALTIES FOR VIOLATING THE LAW?

A violation of the Act or the regulations is subject to the following penalties: a written reprimand for the first violation; a civil penalty of \$100 for the second violation; a fine of \$500 for the third violation; and a fine of \$1,000 per violation for each subsequent violation.

WHAT IF CUSTOMERS WANT TO SMOKE INDOORS?

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 smoke-free law prohibits smoking indoors. Thank you for your cooperation.”*

If customers refuse to comply, use common sense. If necessary, use your normal protocol for removing a disruptive customer from your premises.

WHAT IS SECONDHAND SMOKE AND HOW DANGEROUS IS IT?

Secondhand smoke is smoke that comes from the burning end of a cigarette, cigar, or pipe – as well as the smoke exhaled by smokers. Former U.S. Surgeon General Richard Carmona reported in 2006 that secondhand smoke contains more than 4,000 chemicals, including at least 69 that are cancer-causing. Up to 62,000 nonsmokers in the U.S. die each year from secondhand smoke-related causes. It is a serious health hazard that is a proven cause of disease including lung cancer, heart disease, bronchitis, pneumonia, asthma, and sudden infant death syndrome.

WHY 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 8-hour shift in a smoky bar is equivalent to smoking 16 cigarettes a day.

WHAT RESOURCES ARE AVAILABLE FOR PEOPLE WHO WISH TO QUIT?

Free services are available through the Maryland Department of Health and Mental Hygiene and local health departments that provide information on quitting and tools to help people quit for good. For more information call the *Maryland Tobacco Quitline* at **1-800-QUIT NOW**, go to www.SmokingStopsHere.com, or visit your local health department.

