



## MIDDLESEX COUNTY PUBLIC HEALTH DEPARTMENT

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# SMOKE FREE AIR ACT FACT SHEET

## Preparing for a Smoke-Free New Jersey Understanding the Smoke-Free Air Act A Guide for Restaurants and Bars

*Effective April 15, 2006, The Smoke-Free Air Act (P.L. 2005, c.383) prohibits smoking in indoor public places and workplaces across the State to protect employees and the public from secondhand smoke. This includes bars and restaurants. The Act ensures that workers have a safe work place and that all nonsmokers, including children and senior citizens, can breathe smoke-free air in the public places they visit.*

❖ To learn more about the Smoke-Free Air Act visit [www.smokefree.nj.gov](http://www.smokefree.nj.gov). ❖

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

Use common sense. The purpose of the Act is to protect others from the harmful effects of secondhand smoke. Use your normal protocol for removing a customer from the 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 to file a complaint.

### **What are the penalties?**

A person who smokes in violation of the Act is subject to a fine of not less than \$250 for the first offense, \$500 for the second offense and \$1,000 for each subsequent offense. A person in charge of an indoor public place or workplace who refuses or fails to comply with the Act is subject to a fine of not less than \$250 for the first offense, \$500 for the second offense and \$1,000 for each subsequent offense.

### **How will the Act be enforced?**

Compliance is the responsibility of the person having control of an indoor public place or place of employment under this Act. Enforcement of the Act also will be achieved by a complaint system or by Health Department personnel visits. Employees and the public may report violations of the Act to their local health departments.

### **How can I file a complaint?**

To file a complaint, contact your local health department, whose telephone number is in the government section of your telephone book.

### **Do I need to post signs?**

Yes. A “No Smoking” sign must be clearly and visibly posted at every public entrance and properly maintained where smoking is prohibited. These signs must state that violators may be fined. Signs must also be posted in areas where smoking is permitted.

### **Do I need to provide a smoking break room for my employees?**

No. In fact, the Act generally applies to all indoor public places and smoking break rooms are not allowed. Businesses with separately ventilated rooms for their smoking employees or smoking customers cannot allow smoking in these rooms or anywhere else in the building.

### **Can I smoke in my private office in a commercial work establishment?**

No.

### **What types of businesses do the smoke free law apply to?**

The types of businesses to which the smoke-free law applies include any enclosed location at which a person performs a service or labor; bars; private clubs; restaurants; public transportation including all ticketing, boarding platforms and waiting areas, trains, buses, vans, taxicabs and limousines; all public and nonpublic elementary and secondary school buildings, and all school grounds; child care centers; health care facilities, patient waiting rooms and nursing homes; sports facilities including race tracks and bowling alleys; theaters, clubs, concert halls, public libraries, museums and art galleries; shopping malls and retail stores; parking facilities, lobbies, elevators, and lodging establishments including hotels and motels; Government buildings and bingo facilities.

### **Where is smoking allowed?**

Smoking is allowed in private homes, private residences, and private automobiles; hotels, motels or other lodging establishments may permit smoking in up to 20% of guest rooms. Smoking is allowed within the perimeters of casino gaming areas, and casino simulcasting facilities. In addition smoking is allowed in cigar bars or lounges that in calendar year ending December 31, 2004, generated 15% or more of total annual gross income from the sale of tobacco products other than cigarettes; and tobacco retail establishments whose primary activity (51%) is the retail sale of tobacco products and accessories and the sale of other products is incidental.

❖ *If you need additional No Smoking signs and fact sheets please visit the Middlesex County Public Health Department website: <http://co.middlesex.nj.us/publichealth>*