

## **GREETING:**

Welcome to the Washington State Department of Health's Initiative 901 information line.

On November 8, 2005 the voters in Washington State approved this comprehensive law restricting smoking in public places and places of employment.

Key features of the law are:

It will protect workers by requiring all places of employment - including Washington restaurants, bars, taverns, bowling centers, skating rinks, non-tribal casinos, and any other place of employment - to be smoke-free effective December 8, 2005.

And, smoking is now prohibited within 25 feet of all entrances and exits, windows that open, and ventilation intakes.

*So how will this affect you, your business, or the businesses you visit?*

Following are five options – please select the one that is most appropriate for your question.

And for additional information, please visit: <http://www.secondhandsmokesyou.com/>.

This toll free phone line contains information of the revised Clean Indoor Air Act (RCW 70.160) as a result of the passage of Initiative 901. It is not legal advice. This information cannot be considered as a substitute for legal advice and/or representation by a qualified attorney.

## **OPTION MENU**

For additional information, please select from the following options:

To connect to your local county health department or health district...press 1

For information on smoking restrictions in public places...press 2

For inquiries on how this law applies to places of work...press 3

For information on the 25-foot rule and required signage...press 4

For information on enforcement responsibilities, penalties, and how to report a violation...press 5

At any time you can push -0- and return to the main menu.

Additional information on all topics can be found at <http://www.secondhandsmokesyou.com/>.

Now please, make your selection.

### **OPTION 1 SCRIPT - COUNTY HEALTH DEPARTMENTS/DISTRICTS**

The option you have selected will provide the necessary connection information to your local county health department or health district.

For additional information, or to report a violation, please select from the following Option Menu.

To return to the main menu at any time, press zero.

### **OPTION 2 SCRIPT - PLACES**

*The option you have selected contains information on smoking restrictions in public places.*

*To return to the main menu, press zero at any time.*

- Beginning Thursday, December 8, 2005, smoking is not allowed in public places.
  - “Public place” means any place used by and open to the public.
- The list of public places covered by this law include, but are not limited to:
  - Schools and educational facilities
  - Elevators
  - Public conveyances or transportation facilities
  - Museums, concert halls, theaters and ticket areas
  - Auditoriums and exhibition halls
  - Indoor sports arenas
  - Hospitals, nursing homes, health care facilities or clinics
  - Enclosed shopping centers, retail stores and retail service establishments
  - Financial institutions
  - Public hearing facilities
  - State legislative chambers and immediately-adjacent hallways
  - Public Restrooms
  - Libraries
  - Restaurants
  - Waiting areas, lobbies and reception areas
  - Bars and Taverns
  - Bowling and other indoor recreational centers and facilities
  - Skating rinks
  - Non-Tribal Casinos
  - No less than 75 percent of the sleeping quarters within a hotel or motel that are rented to guests

- And other public places not listed here.
- For additional information please visit <http://www.secondhandsmokesyou.com/>.
- To return to the main menu, press zero.

### **OPTION 3 SCRIPT – PLACES OF EMPLOYMENT**

*The option you have selected contains information on how this law applies to places of work. To return to the general menu, press zero at any time.*

- A place of employment where smoking is prohibited is defined by law as any part of any building or vehicle used by and open to the public, regardless of whether the building or vehicle is owned by a public or private entity.
  - A public place does not include a private residence unless it is used to provide licensed child care, foster care, adult care, or other similar social service care on the premises.
  -
- “Places of Work” include, but are not limited to:
  - Entrances and exits to the places of employment
  - 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
  - Work areas
  - Restrooms
  - Conference rooms and classrooms
  - Break rooms and cafeterias
  - and other common areas.
- If you operate a business 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 to smoke outdoors.
  - Smoking outside your establishment by your patrons or customers is prohibited within 25 feet of entrances and exits, windows that open, and ventilation intakes.
- The law prohibits employers from providing smoking break rooms for employees.
  - Businesses with separately-ventilated rooms for their smoking employees or customers...cannot allow smoking in these rooms or anywhere else in the building, including balconies
  - Be sure to communicate clearly with your employees to ensure they understand the new smoke-free workplace law
  - 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)
  - - or visit <http://www.quitline.com/> for more information

- Places of employment are required to post NO SMOKING signs at each entrance, as well as in prominent locations in your establishment.
  - There is not a specific sign per se that must be used
  - You may purchase signage from many retailers including your local office supply, hardware, or home improvement stores
  - Or, you can download printable signs at: <http://www.secondhandsmokesyou.com/> or <http://www.doh.wa.gov/tobacco>
- Each place of employment should educate employees and inform customers of this law.
  - You should first 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.
  - Your smoke-free workplace policy should be consistent with the law
  - And make sure your employees are fully informed.
- To deal with customers who want to or still insist on smoking
  - 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 a smoke-free establishment, and you'll have to put out your cigarette*
  - Or, *the new state law prohibits smoking indoors. Thank you for your cooperation.*
- If the customer refuses to comply, use your normal protocol for removing a customer from your premises.
- 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.
- For additional information visit <http://www.secondhandsmokesyou.com/>
- To return to the main menu, press zero

#### **OPTION 4 SCRIPT – 25-FOOT RULE**

*The option you have chosen contains information on the 25-foot rule and required signage. To return to the general menu, press zero at any time.*

In Section 6 of the Clean Indoor Air Act it states that smoking is prohibited within a 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 the 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

- Therefore these are NOT included in the areas of businessowner responsibility
  - Individuals violating the law in these areas are under the jurisdiction of local law enforcement.
- The business owner should make customers aware of the 25-Foot Rule, and that non-compliance with the law could result in a ticket from local law enforcement.
- Business MAY apply for an opportunity to rebut the 25-foot rule through their local health department
  - A reduction will only be granted when the public health will be protected by a lesser distance
  - And if you can clearly and convincingly show that unique circumstances exist by the location of entrances or other factors
  - And that the reduction will not allow smoke to reach the entrance, exit, open windows or ventilation intake.
- For more information:
  - Visit <http://www.secondhandsmokesyou.com/>, or
  - Call or visit your local health department, or
  - Contact the Washington State Department of Health at <http://www.doh.wa.gov/tobacco>
  - To return to the main menu press zero

## **OPTION 5 SCRIPT – ENFORCEMENT, PENALTIES, REPORTING VIOLATIONS**

*The option you have chosen contains information on enforcement responsibilities, penalties, and how to report a violation. To return to the general menu, press zero at any time.*

- Compliance with the act is the responsibility of the owner, manager, operator or other person in charge of a public place or place of employment.
- Local health jurisdictions will enforce the act for businesses including bars and restaurants, and other places of employment
- Local law enforcement agencies maintain responsibility for enforcing the Act against individuals violating the law.
- Employees and the public may report violations of the law to their local health departments.
- To understand exactly how enforcement occurs in your county, call your local health department or district health office. You can find the number in the government section of your telephone book, or select Option 1 from the main menu.
- Concerning penalties for violations – local law enforcement can issue an infraction (similar to a traffic ticket) and a fine of up to \$100 can be imposed on

those who violate the law by smoking in a public place or place of employment – or by destroying a sign as required by law.

- For owners and operators of public places and places of employment, local health departments are required to first give a warning that a violation has occurred.
  - Subsequent violations are subject to a \$100 civil fine, which can be enforced for each day the violation continues.
  - Local health departments may also serve you with a notice requiring you to correct the violation
  - And they may also ask the prosecuting or health department attorney to ask for an injunction to enforce the Act.
  
- For individual citizens who see someone smoking in public places, you may:
  - Ask the individual to please take it outside or put it out
  - Ask a manager or owner to ask the individual to put it out or take it outside
  - Report the incident to your local health department through <http://www.seconddhandsmokesyou.com/>
  - Or call your local health department or health district office directly – or select Option 5 from the main menu.
  
- To return to the main menu press zero.