



▼ Q&A for Workplaces

ORC 3794 is a state law that prohibits smoking in public places and workplaces to protect employees and the public from secondhand smoke. The citizens of Ohio approved Issue 5, which makes Ohio the 15th state in the nation to have a comprehensive smoke-free workplace act.

Does the law apply to me?

Smoking is not allowed in public places or places of employment. "Public place" means an enclosed area to which the public is invited or in which the public is permitted and that is not a private residence. "Place of employment" means an enclosed area under the direct or indirect control of an employer that the employer's employees use for work or any other purpose, including but not limited to, offices, meeting rooms, sales, production and storage areas, restrooms, stairways, hallways, warehouses, garages and vehicles. An enclosed area as described herein is a place of employment without regard to the time of day or the presence of employees.

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. If you see customers, staff, or visitors smoking, you or your staff must tell them not to smoke indoors. Smoking outside your establishment is allowed as long as the smoke does not intrude into the enclosed space through entrances, exits, windows that are open and ventilation intakes. You must also remove ashtrays and other receptacles used to extinguish cigarettes or other smoking items from areas where smoking is prohibited.

Do business owners need to post signs?

Yes. A "No Smoking" sign with the state complaint phone number (866-559-OHIO) must be posted at each entry to the building. You can download printable signs at: <http://www.odh.ohio.gov>.

Tips for being smoke-free

- Inform employees about the new law. Develop a "Smoke-Free Workplace" policy if you do not currently have one in place. Also, prepare your employees with what to say if people try to smoke in your establishment. **Something as easy as "Sorry, you cannot smoke here. It's the law," can be an effective way to send the message.**
- "No Smoking" signs with the state complaint phone number, 866-559-OHIO, must be posted at each entry.

What do I do about a customer who refuses to comply? The purpose of the law 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 law, an employee or member of the public may call the Ohio Department of Health with a complaint.

How will the act be enforced? Compliance with the law is the responsibility of the owner, manager, operator, or another person in charge of an area open to the public or place of employment. The designees of the Ohio Department of Health will enforce the law for all businesses. Additional enforcement will be achieved by a social compliance system. This means that employees and the public may confidentially report violation of the law to the Ohio Department of Health.

What are the penalties for individuals and businesses?

The civil penalties are outlined in the Administrative Rule:

<http://www.odh.ohio.gov/ASSETS/EA10DAF517BB4AEFBCB283A0162BDFB7/smoking%20rules.pdf>

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.

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 patron 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 Ohio Tobacco Quitline at 1-800-QUIT-NOW or 1-800-784-8669 for support from a trained specialist.

What is secondhand smoke? Secondhand smoke is the combination of smoke exhaled by a smoker and the smoke from a burning cigarette, pipe or cigar. 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 diseases 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.

Benefits and Tips for Businesses Going Smoke-Free

All indoor public spaces and all places of employment in Ohio are to be smoke-free. Below are a few of the benefits of going smoke-free and tips to help make the transition easier for you, your staff, and your customers.

Benefits

Reduce your employee costs.

Studies have shown healthier employees suffer less absenteeism and file fewer worker's compensation claims. These employees also cost less to insure and turnover is reduced.

Decrease your operating costs.

You'll also be cutting other costs – no additional ventilation, fewer filters to change, less cleaning and repainting, no burn holes, and no more ashtrays to buy or empty. Plus, insurance companies often offer discounted rates for smoke-free businesses.

Boost your profits.

Research shows people want businesses to be smoke-free because it saves money and it saves lives. Many establishments across Ohio have experienced a neutral or positive impact after going smoke-free voluntarily.