

Frequently Asked Questions about NC's Smoke-free Air Law

What kinds of worksites are included?

Beginning 12:00am, 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 may be permitted 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.

What do restaurants and bars 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 should smokers do?

Consider this an excellent time to try to quit smoking! Most smokers want to quit, and there are several key steps to success, including working in a smoke-free workplace! Call the NC Quitline at 1-800-QUIT-NOW for free counseling on developing a quit-smoking plan that is right for you.

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 is the law 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.

How should I do if the law is not being enforced?

Local health departments are in charge of enforcing the state law. You can:

- Contact your local health department at <http://tobaccopreventionandcontrol.ncdhhs.gov/smokefreenc/contacts.htm>;
- Call the CareLine at 800-662-7030; or,
- Submit an online complaint with the state Department of Health and Human Services at <http://tobaccopreventionandcontrol.ncdhhs.gov/smokefreenc/complaintTemp.asp>.

What more can local government do?

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 is next for protecting all workers from secondhand smoke?

Nearly 1 million NC workers are still not protected from secondhand smoke at work. All workers deserve safe and smoke-free air. The NC Alliance for Health is dedicated to making sure that all NC workers are protected by a state smoke-free air law and will work to promote policy change to expand protections from secondhand smoke to more employees across the state. To get more involved and learn more about the NC Alliance for Health, check out our website at www.ncallianceforhealth.org.

Much more information on the state's smoke-free air law is available at www.smokefree.nc.gov