



There's a New Air about Pennsylvania
Smoke-Free Compliance Toolkit



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Smoke-Free is now the Law!



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HOW TO USE THIS CLEAN INDOOR AIR COMPLIANCE TOOLKIT

Welcome to a new and refreshing feature of your business – clean indoor air. Not only will your employees and customers benefit from the Clean Indoor Air Act, but so will you and your business. Change is not always easy. This Toolkit will smooth your transition to a smoke-free environment. The following pages contain information that will help you understand the law, prepare your customers and employees for the change, and put the law into action. Secondhand smoke contains more than 4,000 chemicals, including formaldehyde, arsenic, cyanide and carbon monoxide. The Environmental Protection Agency has classified secondhand smoke as a Class A carcinogen, which means it is a known cancer causing substance. But with



your smoke-free policy in place, you won't need to worry about that anymore. So take a deep breath, read on, and enjoy the clean indoor air.

To help you comply with Pennsylvania's Clean Indoor Air Act, the Department of Health has collaborated with Pennsylvania Alliance to Control Tobacco (PACT) to develop this toolkit. PACT is also available to assist you.

In addition, the Department of Health's eight Regional Tobacco Primary Contractors are available to help you comply with the law. They are available to provide onsite services to help your employees quit smoking. A list of the Regional Tobacco Primary Contractors is available at www.state.pa.us or by contacting the Clean Indoor Air Helpline at 1-877-835-9535.

SMOKE-FREE PUBLIC PLACES AND WORKPLACES: THE FACTS

If you're worried that a smoke-free policy might hurt your business, breathe easy. The tobacco industry has long perpetuated this myth. Studies show that smoke-free establishments do as well as or even better than businesses that allow smoking. The No. 1 reason for Pennsylvania's new Clean Indoor Air Act is to protect Pennsylvanians — smokers and nonsmokers, customers and employees — from secondhand smoke. In addition to the health benefits, going smoke-free can actually help your business financially by reducing costs and increasing revenue. With a smoke-free environment, everyone wins, and that's one big sigh of relief.



Consider the facts:

- Restaurants, bars, bowling alleys and other businesses around the country are reporting increased receipts and increased profits since going smoke-free.
- Business owners also report cost savings including:
 - Reduced employee absenteeism, plus lower health care and health insurance costs — Employees in nonsmoking environments are healthier.
 - Reduced insurance premiums — Improperly extinguished cigarettes cause a large number of business fires.
 - Reduced maintenance and cleaning bills — Smoking damages furniture and surroundings.
 - Increased productivity — Smoke breaks can take up five hours per week per employee.
 - Increased profit — Three out of four people are nonsmokers, and they have money to spend. Studies show that nonsmokers spend 2.5 percent more than smokers.

For more details about the economic benefits of going smoke-free, visit http://nosmoke.org/pdf/Economic_Impact.pdf.

UNDERSTANDING PENNSYLVANIA'S CLEAN INDOOR AIR ACT

As of September 11, 2008, Pennsylvania's new Clean Indoor Air Act bans smoking in public places and workplaces.

- Act 27 of 2008, the Clean Indoor Air Act (CIAA) regulates smoking in public places and workplaces across the Commonwealth of Pennsylvania with the exception of the City of Philadelphia.
- The CIAA names the Department of Health as the primary Commonwealth agency responsible for implementing the law through education and enforcement of the provisions of the CIAA.

The law defines a public place as an enclosed area that serves as a workplace, commercial establishment, or an area where the public is invited or permitted. The term "public place" includes, but is not limited to:

Facilities that provide education, food or health care-related services:

- Schools
- Restaurants and bars
- Health care facilities (hospitals, outpatient clinics, medical offices)

Vehicles used for mass transportation

- Train
- Subway
- Bus, including a chartered bus
- Plane
- Taxicab
- Limousine

Mass transportation stations

- Train
- Subway
- Bus

Public facility

- Child or adult day care facilities
- Private homes providing childcare or adult day care services

A sports or recreational facility

A theater or performance establishment

Nightclubs

The CIAA defines a “workplace” as an indoor area serving as a place of employment, occupation, business, trade, craft, professional or volunteer activity. Place of employment means the area that an employee uses for work or any other purpose which includes, but is not limited to:

- Offices
- Meeting rooms
- Sales, production and storage areas
- Cafeterias, lunch and break rooms
- Restrooms
- Stairways
- Hallways
- Warehouses
- Garages

EXCEPTIONS

The Clean Indoor Air Act exceptions include tobacco shops, cigar bars, some bars, portions of the gaming floor of casinos and private residences (except those licensed as childcare facilities)

For further information on exceptions, please refer to the Department of Health Guidance for Obtaining Clean Indoor Air Act Exception Approval by the Department of Health for Tobacco Shops, Cigar Bars and Drinking Establishments available at www.state.pa.us or by calling the PA Clean Indoor Air Helpline at 877-835-9535.

Important Note: Examples of regulated and excepted areas should not be construed as a complete list. To read the full text of the Clean Indoor Air Act, visit www.health.state.pa.us or PACT at www.PACTonline.org.



ENFORCEMENT, VIOLATIONS AND PENALTIES

It's important for you to know that, as owners and managers of establishments that have to implement a smoke-free environment, you are responsible for ensuring that your customers and employees comply with the law. Even if you ask a patron to extinguish his or her smoking materials or leave the premises, you can still be fined if the person refuses to comply and you fail to act. You are required to take all reasonable measures to comply with the law, including following your establishment's policy for removing a difficult customer.



The CIAA provides for the following penalties:

- The owner, operator or manager of the premises may be penalized for failing to post proper signage in amounts ranging from \$250 for a first offense to \$1,000 for a third offense within twelve months.
- The owner, operator or manager of the premises may be penalized for allowing smoking where it is prohibited in amounts ranging from \$250 for a first offense to \$1,000 for a third offense within twelve months.
- A person (patron or employee of the premises) may be penalized for smoking where it is prohibited in amounts ranging from \$250 for a first offense to \$1,000 for a third offense within twelve months.

The owner, operator, manager of the premises, or a lessee if in actual control of the premises, is responsible for ensuring compliance and may be penalized.

DEVELOPING YOUR SMOKE-FREE POLICY FOR YOUR WORKPLACE

Under the Clean Indoor Air Act, management of affected restaurants, bars and other establishments should develop and implement smoke-free policies no later than September 11, 2008.

Policies should:

- Prohibit smoking in regulated areas.
- Be communicated to all employees before September 11, 2008.
- Be made available upon request in writing.

Policies should address:

- How to handle smoking during work breaks (if you allow smoking outside).
- How employees should handle cigarette butts (e.g., use receptacles outside the building rather than littering).
- How new employees will be notified of the policy.
- How violations by employees will be handled.
- How employees will be trained to understand the policy and handle violations.
- Protection from retaliation for reporting violations of the law covering current and prospective employees, customers and volunteers.

Management can notify employees of the policy by:

- Sending each employee a letter and a copy of the policy.
- Publicizing the policy at all meetings.
- Posting the policy on bulletin boards and other visible locations.
- Payroll enclosures.
- To view a sample no smoking workplace policy, please visit the PACT website at www.pactonline.org



IMPLEMENTING YOUR SMOKE-FREE POLICY

- Educate your employees about the policy. Reassure them you will back them up if they face challenging customers.
- Remove ashtrays.
- Display “No Smoking” tent cards on tables and bar.
- Post “No Smoking” signs.

The CIIA requires that no smoking signs or the international no smoking symbol which consists of a pictorial representation of a burning cigarette in a circle with a bar across it must be prominently posted and properly maintained at all entrances.

No smoking signs have been designed uniquely for Pennsylvania, and are included in the Business Owner’s Clean Indoor Air Compliance Toolkit. Signage for entrances and where smoking is not permitted is also available through the PACT website at www.PACTonline.org

See chapter 7 for more information about the availability for Smoke-Free Materials

- Take reasonable measures to prevent or stop people from smoking in regulated areas. Politely ask violators to put out cigarettes or leave, for example:

“I’m sorry — you’ll have to put out your cigarette or smoke outside. This is in accordance with Pennsylvania Clean Indoor Air Act.”

“State law says that smoking is not allowed here. Thank you for your cooperation.”



SMOKE-FREE MATERIALS AVAILABLE ONLINE:

The implementation materials available to business owners have been designed uniquely for Pennsylvanians. These include:

- “NO SMOKING” SIGN



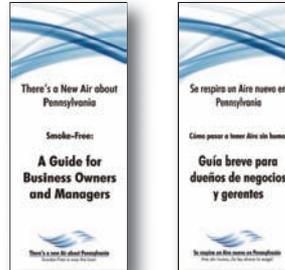
- “NO SMOKING” decal (static, for glass)



- “NO SMOKING” tent cards, napkins and coasters



- Smoke-Free Brochure for Business Owners



- Smoke-Free Compliance Toolkit



- Bumper Stickers



- Internal Vehicle Stickers



TESTIMONIALS FROM BUSINESS OWNERS WHO HAVE SUCCESSFULLY IMPLEMENTED SMOKE-FREE POLICIES

Restaurant, bar and business owners/managers around the country say the studies and statistics are correct: Smoke-free laws are helping businesses rather than hurting them. Here are comments from just a few business owners around the state and country who have already implemented smoke-free policies:

"We [voluntarily went smoke-free] with the firm belief that passive cigarette smoke is a carcinogen and that we were endangering the health of our customers, our staff and our family if we continued to allow smoking. We expected an immediate 20 percent drop in sales and hoped that at the end of the first year we would be down no more than 10 percent. We were thrilled when the opposite occurred. As the word spread about our nonsmoking policy, sales soared. Now, a week does not go by without someone thanking me or leaving a comment card thanking us for going nonsmoking."

— William Baker, Owner
Dunderbak's, Allentown, Pa.
Morning Call, March 14, 2003

"It was a good business decision. There was an initial dip in business, but it bounced back quickly."

— Mike Adamosky, Unit Manager
Burger King, Hermitage, Pa.
(All Burger Kings in the franchise have been smoke free for eight years.)
Mercer County Smoke-Free, 2008
www.mercercountysmokefree.com

"We were afraid we'd lose business and we did lose business — we lost a couple of veteran smokers. But we've more than made up for it with new diners. Our bar is now being used by diners."

— Greg Welsh, Owner
Chestnut Grill & Sidewalk Cafe and the Ogontz Grill & Sidewalk Cafe, Philadelphia, Pa.
Philadelphia Business Journal, April 14, 2006
(after voluntarily taking his restaurants smoke-free)

"The few people who complained still come in once a week. It didn't take that much time. We've been doing excellent business. I've noticed a lot of people are coming in now because there's no smoking. ...I think it is the best thing. It is by far a better work environment."

— Coby Spruance, Manager
Pan Tai, Wilmington, Del.
Breathe Easy Delaware, March 10, 2003

"To be honest with you, I wish they'd [other restaurants] continue being smoking, because it gives me an advantage. But they'd be a fool not to become smoke-free."

— Scott Harrell, Manager
Fatz Cafe, Aiken, Ga.
NBCAugusta.com, January 31, 2008

"There were some people who were annoyed at first and we had to tell some to put out their cigarettes, but by now, it's old hat. Everyone knows the rules, and there are no complaints. ...Business is as strong as ever."

— Reno Trosper, General Manager
Buffalo Wild Wings, Bentonville, Ark.
Benton County Daily Record,
December 23, 2007

"My business really didn't decrease. Some nights I've had to add bar staff. My business has been up since last year."

— Mark Dougherty, Owner
Mark's Eastside, Appleton, Wis.
Green Bay Press Gazette, April 27, 2007



HELPFUL RESOURCES:

Pennsylvania Alliance to Control Tobacco

www.pactonline.org

Pennsylvania Department of Health

www.health.state.pa.us

Campaign for Tobacco Free Kids

www.tobaccofreekids.org

American Public Health Association

www.apha.org

American Cancer Society

www.cancer.org

American Lung Association

www.lungusa.org

National Center for Chronic Disease Prevention and
Health Promotion Tobacco Information and
Prevention Source

www.cdc.gov/tobacco/

Smoke-Free Environments Law Project

www.tcsg.org

Americans for Nonsmokers' Rights

www.nosmoke.org

CONTACT US!

PACT, Pennsylvania Alliance to Control Tobacco

Positive Direction, Powerful Action

www.PACTonline.org

(717) 541-5864





For more information on the Clean Indoor Air Act, go to www.PACTonline.org or call the Pennsylvania Clean Indoor Air Helpline at 1-877-835-9535.

To support customers and employees who want to quit smoking:
Call 1-800-QUIT-NOW (1-800-784-8669)

Call the American Lung Association at 1-800-LUNG-USA (1-800-586-4872).

Visit the Department of Health cessation website at www.determinedtoquit.com

Visit the Department of Health website at www.health.state.pa.us for information on worksite programs and other stop smoking programs in your area.

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Here**