

The Maryland State Clean Indoor Air Act: A Guide for Hotels and Motels



WHAT IS THE CLEAN INDOOR AIR ACT OF 2007?

The Clean Indoor Air Act of 2007 prohibits smoking in virtually all indoor workplaces in Maryland as of **February 1, 2008**. The law provides for fair and consistent protection from exposure to secondhand smoke in indoor settings. Marylanders will now be able to breathe clean, smoke-free air in indoor areas open to the public in most businesses, and workers in the retail and hospitality industries will have healthier workplaces.

WHAT DO I HAVE TO DO TO COMPLY WITH THE LAW?

Effective February 1, 2008 at 12:00 a.m., if you are the owner or manager of a hotel or motel, in order to comply with the new Clean Indoor Air Act and regulations, you must:

- Decide whether you want to have any rooms where smoking is permitted. Smoking may be allowed in up to 25 percent of the guest rooms in a particular establishment, although this is not required – you may decide to make all of your guest rooms smoke free.
- Prohibit smoking in all other indoor areas open to the public.

Some jurisdictions may have local ordinances with additional requirements. Check with your local health department or the Clean Indoor Air Act Help Line, 1-866-703-3266 for further information.

WHAT KINDS OF SIGNS HAVE TO BE POSTED, AND WHERE MUST THEY BE POSTED?

Starting on February 1, 2008, all indoor areas open to the public and every public entrance to an indoor area open to the public where smoking is prohibited in a hotel or motel must display a conspicuous "NO SMOKING" sign, either in words or the international symbol for no smoking consisting of a burning cigarette enclosed in a circle with a bar across it.

Posting signs before the law's effective date of February 1, 2008 will help make the change to smoke-free air smooth for both employees and customers – businesses are free to do this at any time prior to this date. You may also want to use special smoke-free coasters, napkins or buttons to help get the word out. Free, downloadable signs and materials are available at www.mdcleanair.org or may be purchased from local office supply, hardware and home improvement stores.

IF I HAVE SOME GUEST ROOMS WHERE SMOKING IS PERMITTED, MUST THEY HAVE SIGNS?

Guest rooms in which smoking is permitted (if there are any) must have a sign containing the words "SMOKING PERMITTED IN THIS ROOM" that meets all of the following requirements:

- The words "SMOKING PERMITTED IN THIS ROOM" are in capital letters
- The background and the print are in contrasting colors
- The letters "SMOKING PERMITTED IN THIS ROOM" on the sign are a minimum of 1 inch in height

CAN EMPLOYEES SMOKE ANYWHERE INDOORS?

No. Smoking is not permitted anywhere inside the premises, including private offices and break rooms. Businesses that currently have a separate room for smoking can no longer allow smoking in these rooms or anywhere else inside. You must simply inform your employees who smoke that they must go outside to smoke. Be sure to communicate early and clearly with your employees to ensure they understand how the new smoke-free workplace law applies to them and your customers.

IS SMOKING OUTSIDE PROHIBITED?

Smoking outside of bars and restaurants is not prohibited under the Clean Indoor Air Act. However, some jurisdictions may limit smoking outside these establishments. In addition, while smoking is not prohibited on uncovered decks and patios, you should look carefully at the regulation to see whether a covered deck or patio is considered indoors or not. Structures with a ceiling that are enclosed by any combination of permanent or temporary walls, windows, or doorways, whether open or closed, or other physical barriers that go from the floor to the ceiling, are considered as indoor areas and subject to regulation [(COMAR 10.19.04.02(B)(9))].

HOW IS THE LAW ENFORCED?

Compliance with the law is the responsibility of the hotel or motel owner. Local health departments will enforce the law. You may wish to contact your local health department or provide them with a floor plan indicating which, if any, rooms are designated as “smoking permitted” rooms. More information about enforcement is available by calling your local health department or the Clean Indoor Air Act Help Line at **1-866-703-3266**, or by visiting www.mdcleanair.org.

WHO CAN FILE COMPLAINTS UNDER THE LAW?

Employees and the public may report violations of the Act by contacting the local health department. Information about complaints and enforcement can be found by calling the Clean Indoor Air Act Help Line at **1-866-703-3266**, or by visiting www.mdcleanair.org.

WHAT ARE THE PENALTIES FOR VIOLATING THE LAW?

A violation of the Act or the regulations is subject to the following penalties: a written reprimand for the first violation; a civil penalty of \$100 for the second violation; a \$500 fine for the third violation; and a \$1,000 fine per violation for each subsequent violation.

WHAT IF CUSTOMERS WANT TO SMOKE INDOORS?

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 to say to customers, for example: *“This is now a smoke-free establishment, you’ll have to put out your cigarette,”* or *“The new smoke-free law prohibits smoking indoors. Thank you for your cooperation.”*

If customers refuse to comply, use common sense. If necessary, use your normal protocol for removing a disruptive customer from your premises.

WHAT IS SECONDHAND SMOKE AND HOW DANGEROUS IS IT?

Secondhand smoke is smoke that comes from the burning end of a cigarette, cigar, or pipe – and the smoke exhaled by smokers. Former U.S. Surgeon General Richard Carmona reported in 2006 that secondhand smoke contains more than 4,000 chemicals, including at least 69 that are cancer-causing. Up to 62,000 nonsmokers in the U.S. die each year from secondhand smoke-related causes. It is a serious health hazard that is a proven cause of disease including lung cancer, heart disease, bronchitis, pneumonia, asthma, and sudden infant death syndrome.

WHAT RESOURCES ARE AVAILABLE FOR PEOPLE WHO WISH TO QUIT?

Free services are available through the Maryland Department of Health and Mental Hygiene and local health departments to provide information on quitting and tools to help people quit for good. For more information call the *Maryland Tobacco Quitline* at **1-800-QUIT NOW**, go to www.SmokingStopsHere.com, or visit your local health department.



air! Enjoy Maryland’s new smoke-free atmosphere at your favorite bars and restaurants. To learn more about the Maryland Clean Indoor Air Act, visit www.mdcleanair.org or call 1-866-703-3266.