

Pennsylvania Department of Health Act 27 of 2008, the Clean Indoor Air Act Guidance for Public Places and Workplaces

Pennsylvania Clean Indoor Air Legislation

- 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.

Beginning on September 11, 2008, smoking is not allowed in public places or workplaces.

The CIAA defines a “**public place**” as an enclosed area which 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 which provide education, food or health care-related services:

- Schools
- Restaurants and bars
- Healthcare 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 daycare 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 rooms, break rooms
- Restrooms
- Stairways
- Hallways
- Warehouses
- Garages

Owner/Employer responsibilities:

If you operate a place of employment, smoking is not allowed at your establishment effective September 11, 2008. If you see customers, staff, or visitors smoking, you or your staff must tell them not to smoke indoors.

The Department of Health recommends that you remove ashtrays and other receptacles used to extinguish cigarettes or other smoking items. A Business Owner’s Clean Indoor Air Compliance Toolkit has been developed by the Pennsylvania Alliance to Control Tobacco (PACT), and includes additional guidance for establishing your smoke-free workplace. The Toolkit will be available through the Department of Health website at www.health.state.pa beginning August 20, 2008.

Signage requirements:

The CIAA 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 where smoking is not permitted.

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 Department of Health website at www.health.state.pa.us beginning August 20, 2008.

Outdoor smoking

With the exception of sports or recreational facilities, theater or performance establishments, the outdoor property of a business building is not covered by the Pennsylvania Clean Indoor Air Act. The Department of Health recommends that the designated area for smoking be located in an area away from building entrances, windows or openings, and have appropriate containers for ash and cigarette disposal.

Permitted distance from doorways to smoke

The CIAA does not provide a required minimum distance. If possible, a distance of 20 feet is recommended.

Penalties of the Clean Indoor Air Act

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 to \$1,000.
- The owner, operator or manager of the premises may be penalized for allowing smoking where it is prohibited in amounts ranging from \$250 to \$1,000
- A person (patron or employ of the premises) may be penalized for smoking where it is prohibited in amounts ranging from \$250 to \$1,000

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.

Frequently Asked Questions for Public Places and Workplaces

Our volunteer fire company has two separate buildings for bingo – one for smokers and one for non-smokers. How will the CIAA affect our bingo?

The CIAA requires that bingo halls that are open to the public must be smoke-free. Detailed information on the responsibilities of volunteer fire, ambulance and rescue companies are provided in the *Guidance on Pennsylvania Clean Indoor Air Act Provisions and Exceptions for Specific Organizations, Workplaces, Facilities, Residences and Events* under “Private Clubs”

Our place of worship owns and operates a bingo which is open to the public. Do we need to be smoke-free?

Yes. By CIAA definition your establishment is both a public place and a workplace that may not permit smoking.

Our restaurant has an outside deck. Is there anything that prohibits us from making the deck non-smoking since it is outside?

The CIAA does not ban smoking for structures such as a deck or patio that is not enclosed by walls and a ceiling, but does make it clear that nothing in the Act is intended to preclude the owner of a public or private property from prohibiting smoking on the property.

Can employees working in an auto body shop smoke on the work floor? Is smoking outside permitted during working hours?

No, employees may not smoke on the work floor. Permitting smoking outside during working hours is at the discretion of the employer and, if allowed, should be in a designated area away from openings into the work area.

Our business is a union workplace. How do we establish our policy to comply with the Clean Indoor Air Act?

The CIAA smoke-free requirement for the indoor workplace and public places supersedes all union agreements related to smoking in the indoor areas of a workplace or public place. Any other policy would relate to outdoor smoking and accommodations for your workers.

In the construction industry workers are outside putting up residential or commercial buildings. When is a newly enclosed space considered a smoke free workplace?

As the construction of a building may be completed in phases, when a portion of the building is enclosed with a floor, walls and a ceiling that area of the building is considered to be a smoke free workplace.

Can an organization build a separate smoking area which has no food or alcohol service, has its own ventilation system and entrance completely apart from food prep/service/customer areas?

The CIAA does not permit the construction of a separate area with its own ventilation system and entrance for the sole purpose of smoking.

Our county jail currently allows inmates to smoke inside and allows smoking in an administrative office that is attached, but outside of the jail itself. Both the jail and the administrative office are located in the County Courthouse. Will the legislation ban smoking in the jail by inmates and staff? Will the legislation ban smoking in the administrative office.

Both the jail and the administrative offices are workplaces, and as such must be smoke free in any and all indoor areas.

Our day care facility is currently non smoking and we want the grounds to be smoke free as well. What do we need to do to be a completely smoke-free facility?

There are no restrictions on business owners that want to extend the no smoking area of their property to include the outdoor area. This can be accomplished by posting appropriate signage and implementing an outdoor smoke free policy for employees and the public.

Additional information for the provisions of the Clean Indoor Air Act is provided in the following guidance documents:

Guidance for Obtaining Clean Indoor Air Act Exception Approval from the Department of Health:

- **Tobacco Shops**
- **Cigar bars**
- **Drinking establishments**

Guidance on Pennsylvania Clean Indoor Air Act Provisions and Exceptions for Specific Organizations, Workplaces, Facilities, Residences and Events:

- **Private clubs**
- **Private homes, private residences, private vehicles**
- **Designated quarters for lodging establishments including full service truck stops**
- **Workplace of a manufacturer, importer or wholesaler of tobacco products; a manufacturer of tobacco related products, including lighters; a tobacco leaf dealer or process; or a tobacco storage facility**
- **Residential facilities**
- **Fundraiser conducted by a nonprofit and charitable organization where cigars are sold, auctioned or given as gifts, and cigars are a feature of the event**
- **An exhibition hall, conference room, catering hall or similar facility used exclusively for an event to which the public is invited for the primary purpose of sampling tobacco products.**
- **Gaming floor at a licensed facility**
- **Sports or recreational facility, theater or performance establishment exception**