



Smoke-free Tennessee

Implementation of the Non-Smokers Protection Act

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Section 39-17-1803. (a)

Smoking is prohibited in all enclosed public places (including places of employment) within the State of Tennessee.

Ban became effective October 1, 2007.



Who is responsible for enforcement?

The Department of Health in those enclosed public places otherwise regulated by the department.

The Department of Labor and Workforce Development in those enclosed public places otherwise regulated by the department.



Enforcement

If neither department otherwise regulates an enclosed public place...the Department of Labor and Workforce Development shall enforce the provisions of this part therein.



Examples of Health Establishments

restaurants

hotels/motels/bed
and breakfast est.

tattoo studios

camps

swimming pools

assisted care living
facilities

pharmacies

veterinary facilities

massage

establishments

hospitals



Examples of Labor Establishments

retail establishments
construction sites
manufacturing facilities
EMT operations*
hospitals*
doctors' offices*



Examples of establishments not regulated by either Department

mall

convenience stores/grocery stores

libraries

sports venues



Inspections

The Department of Health and the Department of Labor and Workforce Development shall, while an establishment is undergoing otherwise mandated inspections, inspect for compliance with this part.



What are businesses required to do?

Post “No Smoking” signs or the universal “No Smoking” symbol at every entrance.

Signs “shall be clearly and conspicuously placed at a height, location and in such a size as to be easily seen by a person with normal vision entering the establishment and shall not be obscured in any way.”



Signs

Acceptable signs:





Signs...





What are businesses required to do?

Communicate the smoking prohibition to employees.

Ensure that no more than 25% of the hotel/motel rooms are designated as smoking rooms.



What are businesses required to do?

If someone is smoking...

- The person in charge of the establishment (owner, manager, operator, or an employee) must inform the smoker of the appropriate provisions of the Act.



Exemptions

Age-restricted venues, which restrict access to their buildings or facilities at all times to persons who are twenty-one (21) years of age or older.

Private businesses with three (3) or fewer employees – smoking may be allowed in an enclosed room not accessible to the general public.



Exemptions

Non-enclosed areas of public places:

- Open Air patios, porches or decks
- Any area enclosed by garage type doors on one (1) or more sides when all such doors are completely open
- Any area enclosed by tents or awnings with removable sides or vents when all such sides or vents are completely removed or open



Exemptions

Smoke from such areas shall not infiltrate into areas where smoking is prohibited by the Act.



Exemptions

Private Clubs

Private Homes

Retail tobacco stores that prohibit minors on their premises

Commercial vehicles when such vehicle is occupied solely by the operator



Penalties (for individuals)

A **person** who *knowingly* smokes in an area where smoking is prohibited...shall be subject to a civil penalty of fifty dollars (\$50).



Penalties (establishments)

A person who owns, manages, operates, or otherwise controls any public place...and who ***knowingly*** fails to comply with any provision of this part shall be subject to:



Penalties (cont.)

1. 1st violation in a 12-month period – written warning from the regulating Department.
2. 2nd violation in a 12-month period – civil penalty of one hundred dollars (\$100)
3. For a third or subsequent violation in any 12-month period – civil penalty of five hundred dollars (\$500)



Enforcement

Nothing in this statute gives either department the authority to suspend or revoke an establishment's permit or license.

The Commissioners of either department may apply for injunctive relief to enforce such provisions in any court of competent jurisdiction.



Complaints

The public can register complaints via telephone, e-mail, or on the internet.

1-800-293-8228

- Calls will be routed to the appropriate agency.

People can simply call the local health department.

A complaint intake screen that the public can access on the state's website.



Complaint Investigations

If the department of health receives a complaint on an establishment it regulates:

Check to see if an inspection has been conducted for the cycle.

If an inspection has not been conducted, then investigate the smoking complaint and conduct a regulatory inspection.



Complaint Investigations

If an inspection has already been conducted for the cycle, then someone from the Department of Health should visit the establishment and investigate the complaint.

Complaints that should be investigated by the Department of Labor, are referred to that department.



Frequently Asked Questions

Can I...?

No.

Unless there is a specific exemption in the Act, smoking is prohibited in the establishment.



FAQ's

What can I do to accommodate the smokers who come into my establishment?

This is the “**Non-Smokers Protection Act.**”
It's purpose is to accommodate ***non-smokers.***



SECTION 3.

This act shall be liberally construed so as to further its purposes.



Challenges...

Legislation



Farcus

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**“That’s the third smoker we’ve lost
this week.”**



"The employees around here are certainly serious about their non-smoking rules, aren't they?"



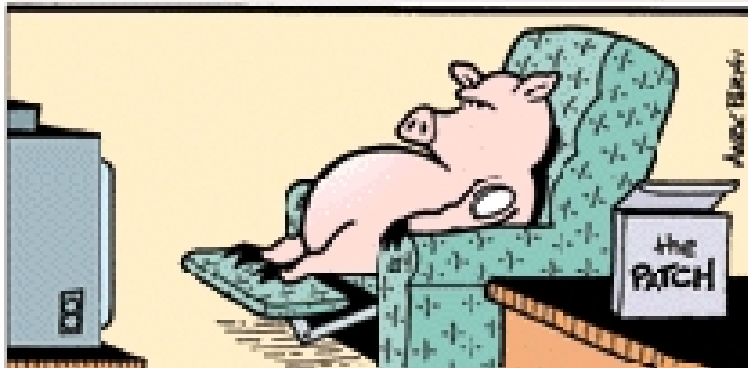
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THE END

SHOE

