

MCHR 700.00
Clean-Indoor Air Regulation

Regulation Prohibiting Smoking in Public Places and Work Places
Frequently Asked Questions (FAQ)

Q. What is the Clean Indoor Air Regulation (MCHR 700.00)?

A. The regulation prohibits smoking in enclosed public spaces, such as restaurants, bars, retail tobacco stores and other businesses; it also prohibits smoking in the workplace. The regulation, which originally went into effect on June 12, 2007; was amended at the April 2011 Board of Health meeting.

Q. What are the amendments to the Clean Indoor Air Regulation (MCHR 700.00)?

A. The Madison County Board of Health approved amendments to MCHR 700 that broaden the definition of smoking to include hookahs and electronic cigarettes and that eliminate the exemption for retail tobacco stores. The amended regulation continues to prohibit smoking in enclosed public places such as restaurants, bars, businesses; it also prohibits smoking in the workplace.

Q. When does the amended regulation go into effect?

A. As stipulated in the regulation itself, enforcement will begin in sixty days, on June 6, 2011. As businesses and employers grow accustomed to the regulation, the Health Department will have staff available to assist with compliance. After a brief grace period, during which warnings will be issued, businesses can expect citations if they are not in compliance.

Q. What constitutes an enclosed public place and what type of business will be affected?

A. Any indoor enclosed area that is open to the public, or in which the general public is permitted. (see: Smoking Prohibited in Enclosed Public Places -Madison County, KY)

Q. Where is smoking allowed?

A. The following places are specifically exempted (see MCHR 700.420):

- Private residences, except when used as a childcare, adult day care, or health care facility
- Outdoor areas of places of employment
- No more than twenty-five percent (25%) of hotel and motel rooms rented to guests.

Q. How far away from the building entrance does a smoker have to smoke?

A. The regulation makes no distance requirements but does prohibit smoking within a reasonable distance from any entrance, exit, window, or ventilation units. Businesses may establish on-site “reasonable distance.”

Q. *Where can I get “no smoking” signs?*

A. The Madison County Health Department will provide a Business Implementation Kit via website: <http://www.madisoncountyhealthdept.org/CIAR.html> containing “No Smoking” signs. Additional signs may be obtained from the Madison County Health Department by calling (859) 228-2043.

Q. *If I am a patron and someone is smoking in a non-smoking place, what should I do?*

A. Tell the manager/owner. If smoking continues, call **626-4271**.

Q. *If I am a business owner and someone is smoking in a non-smoking place, what should I do?*

A. Ask the person to stop the use of the cigarette, cigar, heated, or electronic device immediately. Another option would be to ask the person to step outside to smoke. If the person refuses, ask them to leave the premises. If someone continues, call: **626-4271**. You may need to file a trespassing charge.

Q. *If I am an employee and someone is smoking in a non-smoking place, what should I do?*

A. Ask the person to stop the use of the cigarette, cigar, heated, or electronic device immediately. Another option would be to ask the person to step outside to smoke. If the person refuses to comply, tell the manager/owner on duty.

Q. *What if the person smoking in my establishment refuses to stop?*

A. A person refusing to stop or go outside, shall be asked to leave the premises. Failure to leave when asked constitutes a reason for the police to be involved. A trespassing charge may be instituted against the person refusing to leave the premises.

Q. *What are the penalties for violating the regulation?*

A. For an individual: a fee not exceeding \$50.00, for a business: \$100.00 first violation, \$300.00 for a second violation, \$250.00 for each additional violation, continuous violations may also result in suspension of any permit or license related to the facility.

Q. *Can we still use our break rooms for smoking as long as it is just for those employees who smoke?*

A. No. The regulation does not allow for smoking in any public buildings. If your business is open to the public there is to be no smoking in the building by employees or patrons.

Q. *Whom do I contact about quitting smoking?*

A. Smokers wishing to quit need support. It takes planning, preparation, and practice to stop smoking. For information on classes, self-help materials, and appropriate smoking cessation websites, please contact the Madison County Health Department Community Health Team at 228-2043 or on our website: <http://www.madisoncountyhealthdept.org/SmokeCessation.html>. Smoking Cessation information may also be obtained from Kentucky’s quit line by calling **1-800-QUIT-NOW**.

