

Department of Health

Vermont's Smoking Laws

Smoking in Public Places Law

This law, which is also called the Clean Indoor Air Act, bans the smoking of tobacco products in nearly all the common areas of indoor “places of public access.” This includes any place of business that serves the public or that the public has access to use – both public and privately owned and for profit or not-for-profit organizations. As of September 1, 2005, private clubs and bars are now included under the law.

Examples of public places that prohibit smoking include:

- Buildings and offices
- Means of transportation
- Common carrier waiting rooms, like bus stations
- Arcades, libraries, theaters, concert halls, auditoriums, arenas, shopping malls, museums, art galleries, sports and fitness facilities, planetariums, historical sites, barber shops, hair salons, and laundromats
- Restaurants, bars and cabarets
- Retail and grocery stores
- Hotels and motels, including lobbies, hallways, elevators, restaurants, restrooms, and cafeterias
- Buildings or facilities owned or operated by social, fraternal, or religious clubs
- Common areas of nursing homes and hospitals

Private schools are also included. A separate Vermont law bans all tobacco use on the grounds of public schools (title 16 VSA, section 140). The Smoking in Public Places Law also applies to publicly owned buildings and offices which include indoor places or portions of places that are owned, leased, or rented by state, county or municipal governments, or by agencies supported by tax dollars.

Where does the Smoking in Public Places Law not apply?

The Vermont Smoking in Public Places Law is comprehensive and includes all businesses, except:

- Areas of owner-operated businesses that have no employees, and which are not commonly open to the public.
- Workplace smoking areas designated under Vermont's “Smoking in the Workplace” law (see other side).

What does an owner, manager or employee do if a patron is smoking a cigarette?

- The law requires that the owner or manager ask the person to put out the cigarette.
- If the person refuses then the law directs the owner, manager or employee to ask the person to leave the premise.
- If the person refuses to leave then you may call a local police officer. A member of the public can also call the police.

What are the penalties for violating the Smoking in Public Places Law?

A person who is smoking in a public place, and an owner who does not take action as noted above, are both subject to penalties for noncompliance, including civil court action and criminal penalties up to \$10,000 for each violation.

Smoking in the Workplace Law

The Smoking in the Workplace law requires certain actions by every employer who operates a workplace, which means an enclosed structure where employees perform services for an employer, but which does not include a personal residence. The law addresses indoor smoking issues.

What does the Smoking in Workplace Law require an employer to do?

The first step is to establish, or negotiate through collective bargaining, a smoking policy that either prohibits smoking in the entire workplace or restricts smoking to designated smoking areas. A designated smoking area may be allowed indoors under certain conditions, such as a large open space in a warehouse, or as noted below. The Vermont Department of Health encourages employers and employees to set smoke-free policies.

For A Smoke-Free Work Place Policy:

- Post a copy of the smoking policy in an obvious location. A written copy is to be provided to employees upon request. Written policies are required for employers who have at least 10 employees who work more than 15 hours a week.
- Post the No Smoking sign, which are available through the Vermont Department of Health (800-439-8550).
- Consistently implement and enforce the smoking policy.

For A Designated Smoking Area Policy:

In addition to posting the smoking policy, the designed area will need mechanical ventilation that is vented to the exterior of the building, which prevents smoke from entering back into the general workplace.

An employer may set a smoking policy that permits smoking in a designated smoking area of a large open indoor space (i.e., a warehouse). However, two conditions apply:

1. The layout of the workplace shall not allow smoke to be a physical irritation to any nonsmoking employees.
2. 75% of the employees in the workplace agree to the designated smoking area.

May employees smoke outside the building?

Employers should avoid allowing smoking to occur outdoors, especially at public entrances. The Department of Health recommends that outdoor smoking be at least 50 feet away from the building, so that smoke does not easily or readily re-enter the building.

What actions can employees take if they are exposed to smoking or there is no smoking policy at their workplace?

File a complaint with the Department of Health (800-439-8550). The Department of Health will give the employer written notification of the alleged violation and ten days to come into voluntary compliance.

The law prohibits an employer from discharging, disciplining or otherwise discriminating against an employee because that employee assisted in the supervision or enforcement of the workplace smoking requirements. The penalty for doing so may include court action against the employer, and a court may determine appropriate remedies such as restraining orders, reinstatement and back pay.

Quit Smoking Resources

The Vermont Quit Network offers the following quit smoking services to Vermont residents at no charge: phone coaching, in-person coaching at each local hospital, or on-line support and self-help tools at www.vtquitnetwork.org. And, any Vermonter who signs up for coaching or registers for online support can get free nicotine replacement – gum, patches or lozenges – delivered direct to their home.

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