

The New Jersey Smoke-Free Air Act

A guide for you and your employees





State of New Jersey
DEPARTMENT OF HEALTH AND SENIOR SERVICES
PO BOX 360
TRENTON, N.J. 08625-0360

www.nj.gov/health

FRED M. JACOBS, M.D., J.D.
Commissioner

JON S. CORZINE
Governor

Dear Business Owner or Manager:

On April 15, 2006, the New Jersey Smoke-Free Air Act went into effect. Now workplaces, including restaurants and bars, and most indoor public places are smoke-free. The New Jersey Department of Health and Senior Services is grateful for your cooperation in implementing this law, which is good for the health of your patrons and employees – and that's good for business.

The Department has joined with the Robert Wood Johnson Foundation to promote the benefits of the Act, and to provide resources to restaurants, bars and other businesses to ensure a smooth transition. We hope this book will serve as a handy reference, detailing your responsibilities, enforcement procedures, tips on ensuring your customers have an enjoyable, smoke-free experience and other important areas.

For more information, please visit www.smokefree.nj.gov.

This new law is an important step in eliminating one of the most significant and preventable public health threats that we face today. It will reduce smoking-related illnesses and save lives for generations to come.

Thank you for your help in creating a healthier New Jersey!

Sincerely,

Fred M. Jacobs, M.D., J.D.
Commissioner

Enclosure



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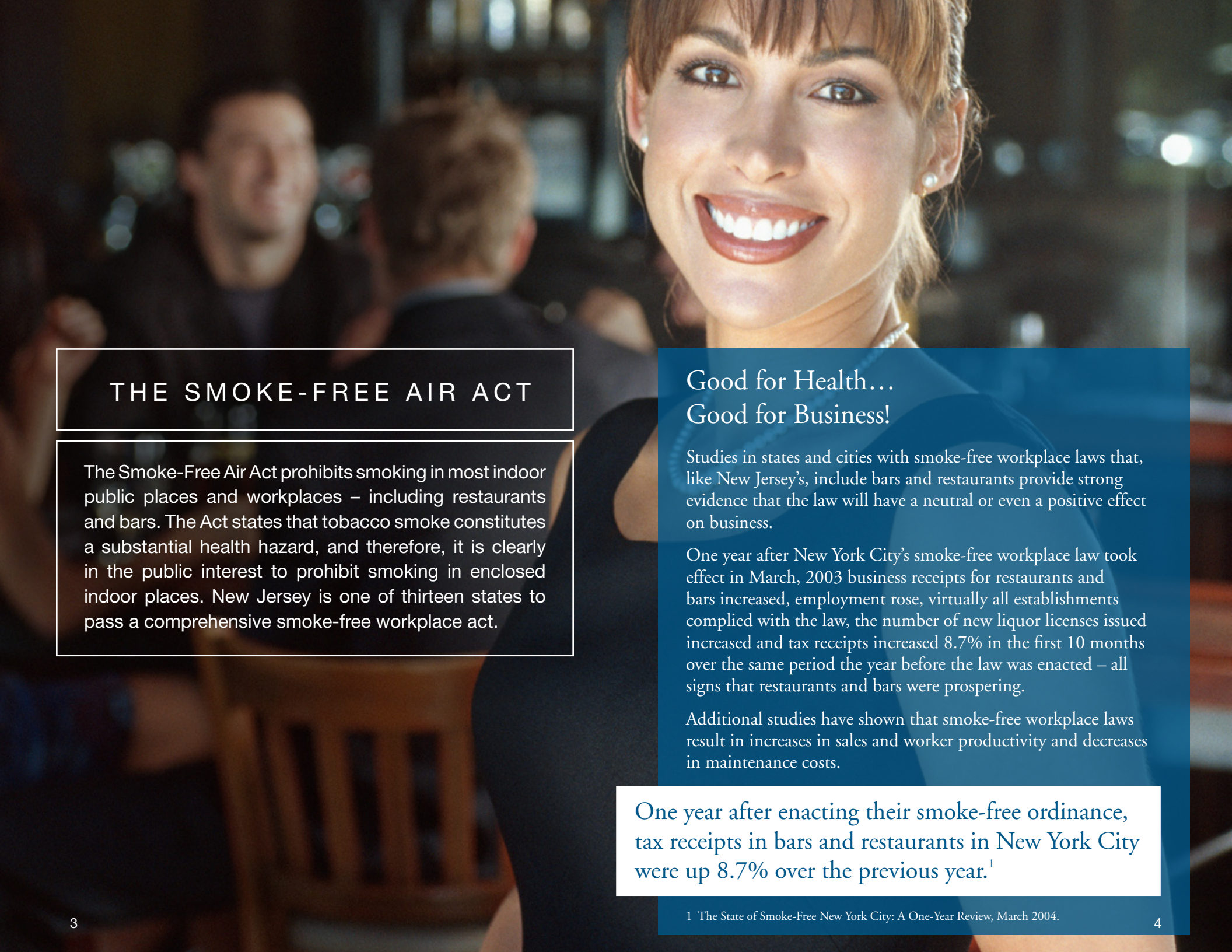
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THE SMOKE-FREE AIR ACT

The Smoke-Free Air Act prohibits smoking in most indoor public places and workplaces – including restaurants and bars. The Act states that tobacco smoke constitutes a substantial health hazard, and therefore, it is clearly in the public interest to prohibit smoking in enclosed indoor places. New Jersey is one of thirteen states to pass a comprehensive smoke-free workplace act.

Good for Health... Good for Business!

Studies in states and cities with smoke-free workplace laws that, like New Jersey's, include bars and restaurants provide strong evidence that the law will have a neutral or even a positive effect on business.

One year after New York City's smoke-free workplace law took effect in March, 2003 business receipts for restaurants and bars increased, employment rose, virtually all establishments complied with the law, the number of new liquor licenses issued increased and tax receipts increased 8.7% in the first 10 months over the same period the year before the law was enacted – all signs that restaurants and bars were prospering.

Additional studies have shown that smoke-free workplace laws result in increases in sales and worker productivity and decreases in maintenance costs.

One year after enacting their smoke-free ordinance, tax receipts in bars and restaurants in New York City were up 8.7% over the previous year.¹

¹ The State of Smoke-Free New York City: A One-Year Review, March 2004.



Some things you need to know about the New Jersey Smoke-Free Air Act

Signage requirements

“No Smoking” signs must be prominently posted at every public entrance and properly maintained. The lettering in the signs must be at least one inch in height and must be in colors contrasting the sign’s background. The circle-and-slash “No Smoking” symbol may also be used. The sign must also indicate that violators are subject to a fine.

You should have received a “No Smoking” sign recently from the New Jersey Department of Health and Senior Services that will cover your legal requirement. To obtain or download a sign, visit www.smokefree.nj.gov.

Enforcement

The owner or manager in control of the business or other indoor place is responsible for enforcing the Act. Compliance will also be achieved through a complaint system. Employees or patrons may file a complaint with the local health department. They may do so personally or anonymously. Links to municipal departments of health may be found at www.nj.gov/health/lhdirectory.

Penalties

Both the smoker violating the Smoke-Free Air Act and the manager in charge of the place where the act is being violated are subject to fines of not less than \$250 for the first offense, \$500 for the second offense and \$1,000 for each subsequent offense.

Helping customers and employees comply with the Smoke-Free Air Act.

You're probably finding more compliments from customers than complaints. Most New Jersey residents support the law, and the overwhelming majority of your customers are likely to comply without your having to remind them. If the need does arise, simply remind them of the Act, and politely explain they must stop smoking or do so outside.

If a customer refuses to comply

In the unlikely event a customer refuses to comply, use common sense. The purpose of the Act is to protect others from the harmful effects of secondhand smoke. Use the same procedures you would normally use in dealing with an uncooperative customer engaging in any other prohibited conduct (e.g. excessive profanity).

If a manager chooses not to ask a customer to stop smoking

Pursuant to the Act, any manager in charge of a workplace or public place covered by the Act is subject to fines for refusal to comply with the law. Employees or patrons may file a complaint with the local health department.

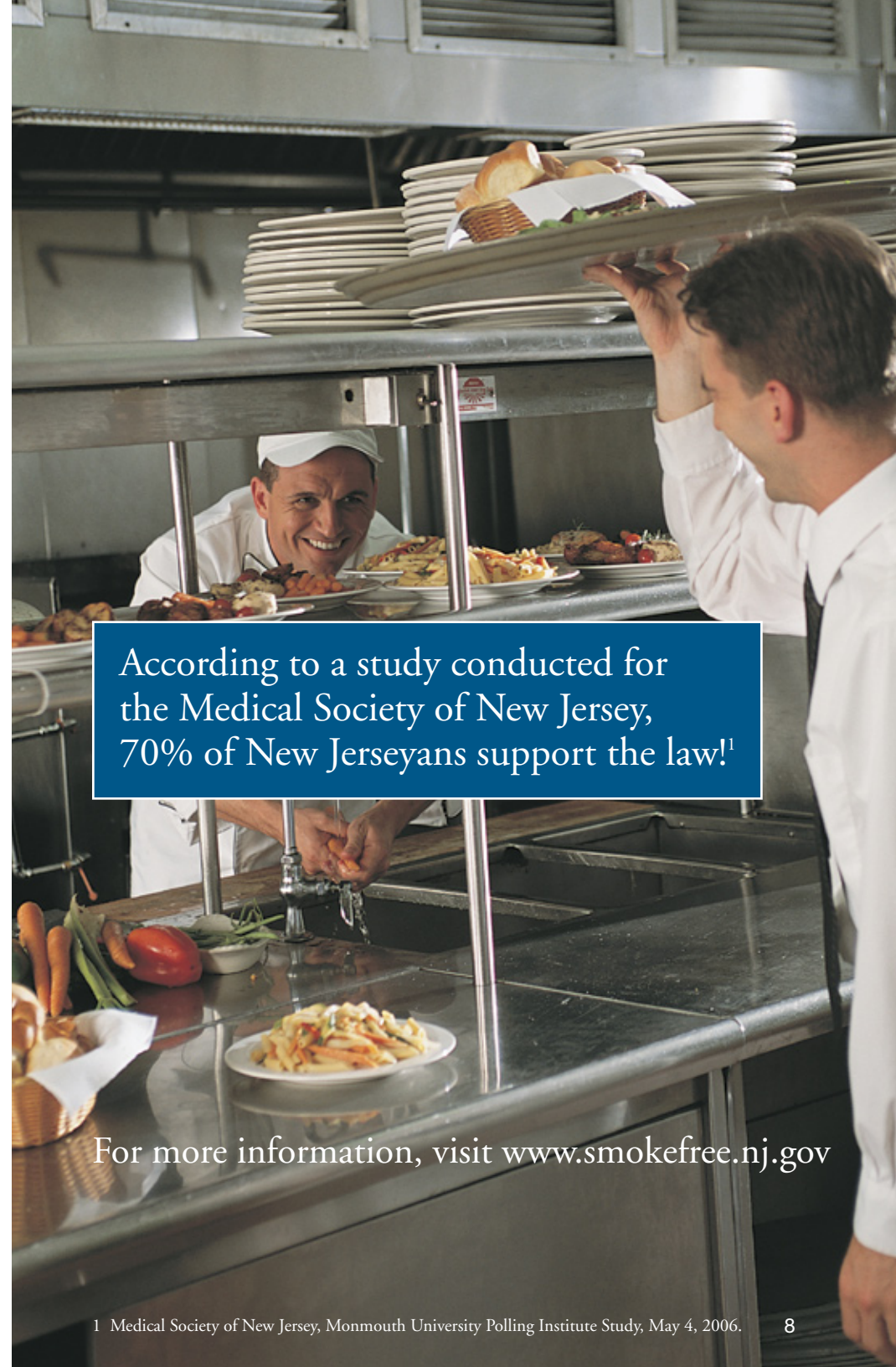
Employee smoking

Employees are subject to the Smoke-Free Air Act, without exception. Employers are not required to provide a smoking break room, and in fact, such a room would be in violation of the Act.

Quitting – help for you and your employees


If you smoke and you want to quit, or you want to support your employees or patrons who want to quit, New Jersey provides free services.

Call the New Jersey Quitline at 866-NJ-STOPS, or visit www.nj.quitnet.com.



According to a study conducted for the Medical Society of New Jersey, 70% of New Jerseyans support the law!¹

For more information, visit www.smokefree.nj.gov



The New Jersey Smoke-Free Air Act can help save hundreds of lives each year.

Facts about secondhand smoke for restaurant and bar employees

Secondhand smoke contains more than 4,000 chemicals, including at least 69 known cancer-causing substances, and causes lung cancer, heart disease and other serious illnesses.¹ The Centers for Disease Control and Prevention estimates that secondhand smoke kills at least 38,000 nonsmokers each year in the United States, including 1,000 New Jerseyans.²

Secondhand smoke is especially dangerous to employees of restaurants and bars. Studies have shown that food service workers have a 50% greater risk of dying from lung cancer than the general population, in part because of the high level of secondhand smoke exposure in the workplace.³

Another study, conducted prior to the New Jersey Smoke-Free Air Act found employee exposure in smoke-filled workplaces in New Jersey exceeded the U.S. Environmental Protection Agency's annual maximum safe average exposure for *outdoor* air quality by an average of 3.4 times.⁴

1 NIH Pub. No. 02-5074, October 2001.

2 NIH Pub. No. 99-4645, 1999.

3 Journal of Occupational and Environmental Medicine, 46(4): 347-356, April 2004; JAMA, 270:490-493, 1993.

4 New Jersey Air Monitoring Study, Roswell Park Cancer Institute & New Jersey GASP; November, 2005.

**Additional resources are available at
the Smoke-Free New Jersey web site:**

www.smokefree.nj.gov

For more information, or to file a complaint,
please contact your local health department,
which can be found in the government section
of your local telephone directory, or by visiting
www.nj.gov/health/lhdirectory

For future reference, fill in your local health
department's phone number here:

For help quitting, or to help your employees quit,
free resources are available at www.nj.quitnet.com
or by calling 866-NJ-STOPS.