

What is secondhand smoke and what are the dangers of exposure?

Secondhand smoke is a mixture of the smoke coming off the end of a burning cigarette, cigar, or pipe, and smoke exhaled by smokers.

- It contains over 4,000 chemicals and causes lung and nasal sinus cancer and coronary heart disease.
- Secondhand smoke harms coronary circulation in non-smoking young adults after just 30 minutes of exposure.
- In an eight-hour work shift, nonsmoking bar employees may inhale secondhand smoke that is equal to smoking 16 cigarettes a day.

Three of the major conclusions of the 2006 Surgeon General's report, "The Health Consequences of Involuntary Exposure to Tobacco Smoke," are as follows:

1. The scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke.
2. Exposure of adults to secondhand smoke has immediate adverse effects on the cardiovascular system and causes coronary heart disease and lung cancer.
3. Eliminating smoking in indoor spaces fully protects nonsmokers from exposure to secondhand smoke. Separating smokers from nonsmokers, cleaning the air, and ventilating buildings cannot eliminate exposures of nonsmokers to secondhand smoke.



John Elias Baldacci, Governor
Brenda Harvey, Commissioner

Printed under appropriation #014-10A-9922-022

The Maine Department of Health and Human Services does not discriminate on the basis of disability, race, color, creed, gender, age, or national origin, in admission to, access to, or operations of its programs, services, or activities, or its hiring or employment practices. This notice is provided as required by Title II of the Americans with Disabilities Act of 1990 and in accordance with the Civil Rights Act of 1964 as amended, Section 504 of the Rehabilitation Act of 1973 as amended, the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972 and the Maine Human Rights Act. Questions, concerns, complaints or requests for additional information regarding the ADA may be forwarded to the ADA Compliance/EEO Coordinator, State House Station #11, Augusta, Maine 04333, 207-287-3488 (V), 1-800-806-0215 (TTY). Individuals who need auxiliary aids for effective communication in programs and services of the Maine Department of Health and Human Services are invited to make their needs and preferences known to the ADA Compliance/EEO Coordinator. This notice is available in alternate formats, upon request.



Healthy Maine Partnerships

Partnership For A Tobacco-Free Maine

Maine Department of Health and Human Services
Maine Center for Disease Control and Prevention

11 State House Station
Augusta, ME 04333

A Guide for Veterans' Service Organizations and Other Clubs

Important Changes to the Workplace Smoking Act of 1985:

Procedures to Determine Smoking Policy in Qualifying Clubs

In 2006, "An Act to Amend the Law Regarding Smoking In Private Clubs" was enacted. It amended the requirements for adopting smoking policies in private clubs.

Effective September 1, 2006, the law requires that all workplaces be smoke-free with only two exceptions, and that "Qualifying Clubs" have certain procedures for adopting smoking policies.



Healthy Maine Partnerships

Partnership For A Tobacco-Free Maine

Maine Department of Health and Human Services
Maine Center for Disease Control and Prevention

There is a qualified exception to the workplace law¹ that allows smoking in common areas. It applies only to:

- a. Veterans' service organizations chartered under 36 United States Code, Subtitle II, Part B (2004) not open to the public.
- b. Any other club² not open to the public in operation prior to January 1, 2004.

Smoking is permitted in common areas of the above organizations only if all of these criteria are met:

- **Written procedures.** Written procedures must be adopted by the organization to govern voting on the smoking policy. These procedures must be consistent with the rules for smoking in the workplace. (See Workplace Rules at Chapter 250, Section 8).³
- **Not open to public.** Written procedures are in place ensuring that only the employer, employees, members, and invited guests accompanied by a member are allowed entry to the premises.
- **Vote by Employees.**⁴
 - ✓ Employees of the organization must vote unanimously by secret ballot to allow smoking.
 - ✓ All ballots cast in the vote must be kept on file for at least three years and be made available to the Maine Center for Disease Control and Prevention (Maine CDC) upon request.
 - ✓ All employees voting and vote counting are open to observation, and employees may challenge individual ballots, for cause.

• **Vote by Members.**

- ✓ A written secret ballot vote, in which a majority of members voting have voted to allow smoking within the past three years, is required.
- ✓ The date of the vote must be announced to all members at least 30 days prior to the vote.
- ✓ Members must be notified that, upon request, he/she can vote by absentee ballot.
- ✓ All ballots cast in the vote must be kept on file for at least three years and be made available to the Maine CDC, upon request.
- ✓ All member voting and vote counting can be observed and individual ballots may be challenged, for cause, by members.

How will the new law be enforced?

Any licensee, building owner, patron, club member, employee or member of the public may report violations to the Maine CDC, the Office of the Attorney General, or local law enforcement officials.

The Office of the Attorney General and local District Attorneys can file complaints in District Court seeking fines ranging from \$100 to \$1,500. The Attorney General can also ask the District or Superior Court to compel compliance with the law. Reports of violations are also forwarded to other licensing agencies for possible administrative actions.

How can a complaint be filed?

The best way to make a complaint is on-line at www.tobaccofreemaine.org or by calling 1-800-560-5269. Complaints will be forwarded to the proper enforcement authorities.

For more information, contact the Partnership For A Tobacco-Free Maine at **287-4627**.

If my club decides to be smoke-free, what can make the transition to becoming smoke-free easier for our members and our employees?

- Provide a copy of this brochure to all employees and members.
- Get rid of all ashtrays.
- Inform all of your club members and state clearly when it will take effect.
- When the law goes into effect, post the required "No Smoking" signs in several visible places, including at all entrances. For additional signs, call **287-4627**.
- Expect a few mistakes early on.
- Consider ways that you might make it easier for members, guests, and employees to smoke outside.
- Provide an outdoor receptacle for cigarette butts. This will send the message that smoking must be done outdoors. It will also help control litter.

NOTE: Clubs that met all of the requirements of PL2005 Ch.338 and had a majority of all members vote between July 1, 2005 and September 1, 2006 to allow smoking may allow smoking under that vote until September 1, 2008.

Any vote that does not comply with the rules is considered invalid.

¹ 22 MRSA § 1580-A

² "Club" means a reputable group of individuals, including a veterans' service organization chartered under 36 United States Code, Subtitle II, Part B (2004), incorporated and operating in a bona fide manner solely for purposes of a recreational, social, patriotic or fraternal nature and not for pecuniary gain.

³ <http://www.maine.gov/sos/cec/rules/10/144//144c250.doc>

⁴ "Employee" means a person who performs a service for wages or other remuneration under a contract of hire, written or oral, expressed or implied.