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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, many of which are toxins, carcinogens, and/or respiratory irritants such as cyanide, ammonia, formaldehyde, arsenic, cadmium, benzene, and carbon monoxide.
- Secondhand smoke 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.
- It also causes eye, nose, and throat irritation, and can trigger asthma attacks.
- There is also mounting evidence that secondhand smoke causes breast cancer in younger, premenopausal women.



Healthy Maine Partnerships
Partnership For A Tobacco-Free Maine
Maine Center for Disease Control and Prevention
Maine Department of Health and Human Services

11 State House Station
Augusta, ME 04333

Breathe easy, you're in
Maine.

A Guide For Maine Employers

Important Information About The “Workplace Smoking Act of 1985”



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

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The Workplace Smoking Act requires all indoor workplaces with one or more employees, except private clubs¹, to be smoke-free. Indoor workplaces include company-owned or -leased vehicles.

Each employer must have a written smoking policy. The policy may prohibit smoking throughout all indoor and outdoor areas of the worksite. The policy must prohibit smoking in all indoor work areas and common areas. The policy may allow indoor smoking **only** in properly constructed, designated smoking rooms, and must describe each location, indoors and outdoors, where smoking will be allowed.

Smoking areas for employees are limited to the following:

- a.** An employer may designate an area **outdoors** for smoking, provided that it is not in a location that will allow circulation of smoke into the enclosed areas of the facility in any way, e.g., through the ventilation system, open windows, and open doors. An outdoor smoking area may be constructed to protect employees from the weather, as long as at least one wall has an opening that extends four feet or more from the ceiling or the floor.
- b.** An employer may designate an area indoors for smoking, only when such a designated smoking area:
 - Is clearly marked;
 - Is not in a work area or in a common area of the facility such as a break room, cafeteria, reception area, restroom, or hallway;
 - Is totally enclosed from floor to ceiling and has a door that is kept closed at all times, except when employees who smoke are entering or leaving the room, and that prevents smoke from entering other areas of the facility;
 - Meets the strict ventilation requirements in the Rules Relating to Smoking in the Workplace;² and
 - Contains signage stating the maximum occupancy of the room in three-inch letters and numbers.

¹In order for smoking to be permitted in clubs, all employees and a majority of the members must agree to allow it. See 22 MRSA § 1580-A, subsection 7.

²www.tobaccofreemaine.org/TobaccoLaws.html. See 10-144 Chapter 250

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How is the law enforced?

Any employee, building owner, or member of the public may report violations to the Maine Center for Disease Control and Prevention, the Office of the Attorney General, or local law enforcement officials. When presented with evidence of a violation, the Office of the Attorney General and local District Attorneys can file complaints in District Court seeking fines ranging from \$100 - \$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 and certifying agencies for possible administrative action.

How can a complaint be filed?

The best way to make a complaint is online 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
www.tobaccofreemaine.org



Maine Center for Disease Control and Prevention
John Elias Baldacci, Governor
John R. Nicholas, Commissioner
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How do I make sure that my workplace protects my employees from secondhand smoke and complies with the law?

- Tell your employees that all enclosed workplaces in Maine, including work vehicles and private offices, must be smoke-free.
- Make sure that your employees understand the law and let them know that you expect their cooperation.
- Draft and post a workplace smoking policy. It is a good idea to involve employees in drafting and implementing the policy. If your employees are covered by a collective bargaining agreement, you may need to negotiate whether or not the policy will include designated areas for smoking.
- Post the policy and educate employees about it through meetings, newsletters, paycheck inserts, etc. You are required to provide a copy of the policy to any employee who requests it.
- Place "No Smoking" signs around the facility. Though not required, this will remind employees where they may not smoke.
- Add violation of the smoking policy to the list of infractions that will be handled through the company's standard disciplinary procedure, and notify employees of this addition.
- Consider ways that you might make it easier for employees who smoke to adhere to the policy.
- Provide an outdoor receptacle for cigarette butts to send the message that smoking must be done outdoors and to control litter.
- Assure that your workplace is "smoke-free" and not "anti-smoker."
- Understand that some employees may not want to quit smoking.
- Offer your employees and their families information about stop-smoking programs. Check to see whether your health insurance policy for employees covers "quit" assistance and request that it be added to the policy if it does not.

Download sample policies and "No Smoking" signs at www.tobaccofreemaine.org/TobaccoLaws.html.