

SUMMARY OF TENNESSEE'S WORKPLACE SMOKING BAN

When does the smoking ban take effect?

Public Chapter 410, known as the "Non-Smoker Protection Act", was signed into law by Governor Bredesen on June 11th, and became effective on October 1, 2007.

Where is smoking prohibited under the new law?

Under this new law, smoking is prohibited in all enclosed public places within the State of Tennessee with a few exceptions.

The smoking ban applies, but is not limited to:

- Restaurants
- Public and private educational facilities
- Health care facilities
- Hotels and motels
- Retail stores and shopping malls
- Sports arenas, including enclosed public areas in outdoor arenas
- Restrooms, lobbies, reception areas, hallways and other common-use areas
- Lobbies, hallways and other common areas in apartment buildings and other multiple-unit residential facilities
- Child care and adult day care facilities

What areas are exempt from the smoking ban?

The following are exempt from the smoking ban provisions:

- Private homes, private residences and private motor vehicles unless used for child care or day care
- Non-enclosed areas of public places, including:
 - Open air patios, porches or decks
 - Any that are enclosed by garage type doors when all such doors are open
 - Any that are enclosed by tents or awnings with removable sides or vents when all such sides or vents are removed or open
 - Smoke from these areas must not infiltrate into areas where smoking is prohibited
- Venues that restrict access to persons who are 21 years of age or older at all times
- Private businesses with 3 or fewer employees, where smoking may be allowed only in an enclosed room not accessible to the general public; smoke from such a room must not infiltrate into areas where smoking is prohibited
- Private clubs
- Smoking rooms in hotels and motels, provided that no more than 25% of the rooms in a hotel or motel can be designated as smoking rooms
- Tobacco manufacturers, importers and wholesalers
- Retail tobacco stores that prohibit minors
- Nursing homes and long-term care facilities, which are subject to the policies and procedures established by those facilities.
- Commercial vehicles when the vehicle is occupied only by the operator

What is required of employers or business owners?

- "No Smoking" signs must be posted at every entrance to every public place and place of employment where smoking is prohibited
- All existing and prospective employees must be notified that smoking is prohibited
- An owner, manager, operator or employee of an establishment where smoking is prohibited must inform anyone smoking in the establishment that smoking is prohibited on the premises

What are the penalties for violating the smoking ban?

- A person who knowingly smokes in area where smoking is prohibited is subject to a civil penalty of \$50
- A business that knowingly fails to comply with the requirements of this act shall be subject to the following:
 - For a first violation in a twelve-month period, a written warning from the Department of Health or the Department of Labor and Workforce Development
 - For a second violation in a twelve-month period, a civil penalty of \$100
 - For a third or subsequent violation in a twelve-month period, a civil penalty of \$500

Who is responsible for enforcing the smoking ban?

- The Tennessee Department of Health and the Tennessee Department of Labor and Workforce Development

How do I register a complaint about a violation of the smoking ban?

- Complaints may be registered with the Department of Health or the Department of Labor and Workforce Development. The departments will have a process in place for accepting and processing complaints by October 1, when the smoking ban takes effect.

Where can I see a copy of this new law?

- <http://www.legislature.state.tn.us/bills/currentga/Chapter/PC0410.pdf>