

Smoke-Free Illinois Act

Frequently Asked Questions for Businesses

What is the purpose of the Act?

- To protect the health of Illinois residents, workers, and visitors from the documented health effects of secondhand smoke exposure.
- Studies show that after smoke-free laws take effect, there is a significant reduction in asthma attacks, heart attacks, and cancer rates. In addition, employees report having less wheezing, excessive coughing, shortness of breath, and irritation of the eye, nose, and throat.

How do I comply with the law?

- Beginning January 1, 2008, you may not allow smoking in any indoor space within your establishment, including breakrooms, or within 15 feet from any door, windows that open, or intake vents.
- You may not permit smoke to drift/infiltrate into an indoor workplace or public place.
- Post non-smoking signs at each entrance.
- Remove all ashtrays from areas where smoking is prohibited.
- Inform all existing employees and all applicants for employment at the time of application that smoking is prohibited.

Do I still have to comply if I am a private club or banquet hall?

- Yes.

Can I create a designated smoking area inside my establishment?

- No. The only exemptions to the Smoke-Free Illinois Act are some tobacco retailers, 25% of hotel/motel rooms, and some nursing home rooms.

Can I create a smoking area on an outdoor patio?

- Yes, however, any outdoor smoking area must be at least 15 feet away from any doorways, windows, and intake vents. The area cannot be enclosed. If partially enclosed, the space may not trap smoke. Employees may not be required to enter the space. Specific rules on outdoor structures are currently being drafted by the Illinois Department of Public Health.
- Make sure to check with your local municipality about local regulations as well.

Can I make my entire property smoke-free?

- Yes. Any person in control of a public place or place of employment may designate additional outdoor areas, such as outdoor patios or the entire grounds, as smoke-free.

What if a customer refuses to comply with the law?

- Staff must remind customers or other visitors of the law and should politely explain that they must step outside to smoke. Train your staff what to say to customers, for example: "The new smoke-free law prohibits smoking indoors. Thank you for your cooperation." In most cases, when asked to stop

smoking, a customer will do so. If necessary, use your normal protocol for removing a disruptive customer from your premises.

How do I enforce the 15 feet rule?

- The most important thing is to train your staff about the new law and post adequate signage before the effective date of the law.

What are the penalties?

- Individuals who refuse to comply with the law may be fined not less than \$100 and not more than \$250.
- An owner or manager who allows smoking to continue in their establishment can be fined not less than \$250 for the first violation, not less than \$500 for the second violation, and not less than \$2500 for the third violation in the same year of the first violation. Each day is a separate violation.

How do I file a complaint?

- The Illinois Department of Public Health has established a website and a toll free hotline number for complaints.
- If your community has a local ordinance, check with your village/city hall.

What is the economic impact on my business?

- For all businesses:** Research shows that companies with smoke-free policies save an average of 10% on cleaning costs and up to seven percent on construction and maintenance. Smokefree businesses also report lower health insurance costs, increased productivity, and reduced absenteeism.
- For restaurants and bars:** Although there tends to be a dip in business in the beginning, especially in cold months like January, restaurants and bars can ultimately expect an increase in revenue. Research shows that after time, business will go up as people begin to discover establishments they previously avoided because of the smoky air.

Where can I get more information?

- For frequently asked questions, including links to the full text of the Act and the proposed administrative rules visit:
http://www.idph.state.il.us/tobacco/Smoke_Free_Act_q&a.htm
- For implementation resources and more information on smoke-free laws, visit:
Smoke-Free Illinois, www.smokefreeillinois.org
Americans for Nonsmokers Rights, www.no-smoke.org
Toolkit for Implementing Smoke-free Laws, www.goingsmokefree.org

Preparing for a Smoke-Free Illinois Suggested Employer's Checklist

Step 1: Communication

- Communicate about the new policy.**
Use e-mail, meetings, bulletin boards, newsletters, payroll stuffers, and/or table tents to provide information on the reasons for a Smoke-Free Illinois and benefits of the change. See sample article and memo.
- Promote your smoke-free (or tobacco-free) policy.**
Redistribute your company's policy and explain how Smoke-Free Illinois will affect it. If your company does not have a tobacco policy, see the sample provided for ideas.
- Provide in-service trainings.**
Train managers and other key employees on the new policy, including what to say to visitors or other employees who wish to smoke.
- Promote quit smoking resources.**
Many smokers consider quitting when smoke-free laws go into effect. Offer your employees support by promoting quit smoking resources and/or organizing a quit smoking group at your worksite. See information in this folder for available services.

Step 2: Implementation

- Post smoke-free signage.**
Signage must be posted at every entrance. It is also helpful to post signs in areas where smoking was previously allowed.
- Remove ashtrays.**
According to state law, ashtrays must be removed from all smoke-free areas. This includes 15 feet from all doorways, windows that open, and intake vents.
- Designate an outdoor smoking area.**
Let your staff and visitors know where they can smoke, if at all, on company property. Consider creating an outdoor smoking area by placing a bench and ashtray at least 15 feet away from doorways, windows that open, and intake vents. Please note that some municipalities require a distance greater than 15 feet.
- Implement and enforce the new policy.**
Kind but firm enforcement of any new policy shortens the transition period and increases compliance among employees and visitors.

Step 3: Follow-up

- Follow up with employees.**
Evaluate the success of your policy.
- Continue to promote quit smoking services.**
- Continue to enforce the policy.**
- Be positive.**
Length of adjustment is typically shorter when management is supportive of the change.

Preparing for a Smoke-Free Illinois Sample Memo

To: All (Company name) employees

From:

Date:

Re: (Company name) Smoke-Free Policy

As an employer, management is dedicated to providing a healthy, comfortable and productive work environment for all employees. The Environmental Protection Agency declared secondhand smoke to be a "Class A carcinogen" known to cause cancer in non-smokers. Additionally, the U.S. Surgeon General concluded that the simple separation of smokers and non-smokers within the same air space does not eliminate the exposure of non-smokers to secondhand smoke.

In light of these findings and the new Smoke-Free Illinois Act which takes effect on January 1, 2008, (company name) shall be entirely smoke-free effective (effective date). For your convenience, (company name) has created an outdoor smoking area located (location/description of outdoor smoking area).

(Company name) acknowledges that tobacco use is a matter of personal choice and is not requiring tobacco users to quit. The new policy only states that there be no smoking in company buildings and within 15 feet from doorways, windows, and vents.

National studies do show, however, that an average of 70% of smokers would like to quit. As a result, (company name) would like to provide ongoing support to those who are interested in quitting tobacco. A variety of options will be made available to employees who are interested in quitting. In the meantime, employees may utilize the Illinois Tobacco Quitline by calling the toll free number 1-866-QUIT-YES.

Copies of the policy will be distributed to all employees. Signs will be posted in appropriate places. All tobacco vending machines and ashtrays will be removed as of (date).

As we move toward a smoke-free work environment, smokers and nonsmokers need to work together to ensure a safe and healthy workplace. Between now and (effective date), you will receive more information to ensure that implementation of the policy goes smoothly.

Preparing for a Smoke-Free Illinois Sample Newsletter Article

The article below contains information on a variety of topics regarding Smoke-Free Illinois. Select the paragraphs that are appropriate for your newsletter.

On January 1, 2008, Illinois will become the 22nd smoke-free state in the nation. Beginning in the New Year, there will be no more smoking in any indoor workplace or public place. This includes all offices, warehouses, factories, transportation facilities/garages, private clubs, and banquet halls, as well as restaurants, bars, and bowling alleys.

The only exceptions are some tobacco retailers, 25% of hotel rooms, and some nursing home rooms. People may still smoke in their cars and homes, as long as their home is not used as an office open to the public or as a licensed day care facility.

Cities, villages, and counties may have their own smoke-free laws to make more areas smokefree, such as outdoor dining and playgrounds. Local laws, however, cannot allow smoking where the State Law does not allow it.

As a result of the Smoke-Free Illinois Act and the health risk secondhand smoke has on our employees and visitors, [company name] will be implementing a new smoke-free policy on [effective date]. After this date, there will be no smoking anywhere indoors or within 15 feet from doorways, windows, and vents. For your convenience, [company name] has created an outdoor smoking area located at [location/description of outdoor smoking area]. Please notify visitors of this new policy.

Towns and states that have already gone smoke-free have seen a reduction in asthma attacks, heart attacks, and cancer rates. They protect the health of customers, but more importantly, the health of the workers who could be exposed to secondhand smoke for full eight-hour shifts.

Research shows that companies with smoke-free policies save an average of 10% on cleaning costs and up to seven percent on construction and maintenance. There is a significant decreased risk of fire, as cigarettes are cited as the number one cause of fires. Smoke-free businesses also report lower health insurance costs, increased productivity, and reduced absenteeism.

In addition, smoke-free laws actually have a positive economic effect on restaurants and bars. Although there tends to be a dip in business right after a smoke-free law takes effect, especially in cold months like January, restaurants and bars can ultimately expect an increase in revenue. Research shows that after time, business will go up as people begin to discover establishments they may have previously avoided because of the smoky air.

MODEL POLICY FOR A SMOKEFREE WORKPLACE

Provided by ANR: Americans For Nonsmokers' Rights

August 2006

ABC Company Smokefree Policy

ABC Company is dedicated to providing a healthy, comfortable, and productive work environment for our employees.

The 2006 U.S. Surgeon General's Report, *The Health Consequences of Involuntary Exposure to Tobacco Smoke*, has concluded that (1) secondhand smoke exposure causes disease and premature death in children and adults who do not 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) there is no risk-free level of exposure to secondhand smoke; and (4) establishing smokefree workplaces is the only effective way to ensure that secondhand smoke exposure does not occur in the workplace, because ventilation and other air cleaning technologies cannot completely control for exposure of nonsmokers to secondhand smoke.

Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke (also known as environmental tobacco smoke) is a cause of disease in healthy nonsmokers, including heart disease, stroke, respiratory disease, and lung cancer. The National Cancer Institute determined in 1999 that secondhand smoke is responsible for the early deaths of approximately 53,000 Americans annually.

The Americans With Disabilities Act, which requires that disabled persons have access to public places and workplaces, deems impaired respiratory function to be a disability.

The U.S. Surgeon General has determined that the simple separation of smokers and nonsmokers within the same air space may reduce, but does not eliminate, the exposure of nonsmokers to secondhand smoke. A significant amount of secondhand smoke exposure occurs in the workplace. Employees who work in smoke-filled businesses suffer a 25-50% higher risk of heart attack and higher rates of death from cardiovascular disease and cancer, as well as increased acute respiratory disease and measurable decrease in lung function.

The Centers for Disease Control and Prevention has determined that the risk of acute myocardial infarction and coronary heart disease associated with exposure to tobacco smoke is non-linear at low doses, increasing rapidly with relatively small doses such as those received from secondhand smoke or actively smoking one or two cigarettes a day, and has warned that all patients at increased risk of coronary heart disease or with known coronary artery disease should avoid all indoor environments that permit smoking.

Smoke-filled workplaces result in higher worker absenteeism due to respiratory disease, lower productivity, higher cleaning and maintenance costs, increased health insurance rates, and increased liability claims for diseases related to exposure to secondhand smoke.

In light of these findings, ABC Company shall be entirely smokefree effective _____ [date].

Smoking shall not be permitted in any enclosed company facility. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles, and all other enclosed facilities. This policy applies to all employees, clients, contractors, and visitors. Smoking shall be permitted only at a reasonable distance of _____ [recommended 10-20] feet outside entrances, operable windows, and ventilation systems of enclosed areas where smoking is prohibited, so as to insure that tobacco smoke does not enter those areas.

Copies of this policy shall be distributed to all employees. No Smoking signs shall be posted at entrances to all company facilities.

This policy is being announced three months in advance in order to give smokers time to adapt to its restrictions and to facilitate a smooth transition to a smokefree environment. Those employees who smoke and would like to take this opportunity to quit are invited to participate in the cessation programs being offered by the company.

The success of this policy will depend on the thoughtfulness, consideration, and cooperation of both smokers and nonsmokers. All employees share in the responsibility for adhering to and enforcing this policy.

Signature of CEO or President

Date: _____

[MP-02]

w:\files\materials\modords\MP-02 Workplace.doc

RESOURCES FOR THOSE WHO WISH TO QUIT SMOKING

Illinois Quit Line: 1-866-QUIT-YES or 1-866-784-8937

The Illinois Tobacco Quitline offers individuals a personalized smoking cessation plan, encouragement, and access to registered nurses, respiratory therapist, and smoking cessation counselors.

Kishwaukee Hospital Smoking Cessation Classes

“Smoking harms your health in so many ways, but through this class, we can help you reach your goal. If you need help kicking the habit, our Smoking Cessation classes offer you a fighting chance.”

2008 classes: January 24 to February 14, Thursday, 6:30pm – 8:00pm
April 3 – April 24, Thursday 6:30pm – 8:00pm

Call 815-748-8962 for more information or for additional class listings. \$25 registration fee is refundable upon class completion.

Online Resources:

www.americanheart.org - click on *Healthy Lifestyle*, then *Smoking & Cardiovascular Disease*

www.cancer.org - click on guide to *Quitting Smoking*

www.cdc.gov - click on *Healthy Living*, then *Smoking and Tobacco Use*

www.cdc.gov/tobacco/how2quit.htm -click on *Guide to Quitting Smoking*

www.lungusa.org - click on *Quit Smoking*

www.quitnet.com