

Summary of New Oklahoma Laws on Secondhand Smoke*

Most indoor places are smokefree

The new Oklahoma laws apply to

- Indoor places used by or open to the public
- Indoor workplaces
- Public transportation

Smoking is prohibited in these places, except for certain exempt places specified in the laws and described below.

Specific places smoking may be allowed

These specific types of places are listed in the laws as exempt, so smoking may be permitted, providing that nonsmoking areas are protected:

- Stand-alone bars, stand-alone taverns and cigar bars
- Retail tobacco stores
- Up to 25% of the guest rooms at a hotel or other lodging establishment
- Licensed charitable bingo games, during the hours of operation for bingo
- Workplaces in private residences, except that smoking is prohibited in licensed child care centers in private residences during the hours of operation
- Veterans' organizations, except they shall be smokefree during an event that is open to the public
- Medical research or treatment centers, if smoking is integral to the research or treatment

General places smoking may be allowed

Smoking may also be permitted in these general types of places, providing they have only incidental public access and providing requirements are met to protect nonsmoking areas:

- Workplaces where only the owner/operator and members of the owner/operator's immediate family work
- Workplaces occupied exclusively by one or more smokers
- Private offices occupied exclusively by one or more smokers

Other places may establish smoking rooms unless the law prohibits all smoking in that particular type of place. However, such smoking rooms must meet the requirements to protect all nearby nonsmoking areas, and no work can be performed in these smoking rooms.

Protection for nonsmoking areas

If smoking is to be permitted in any of these places, as listed and described in the two sections above, the following precautions must be taken to protect nonsmoking areas within the same building, unless the place permitting smoking fills the entire building. The smoking space must be

- Separately enclosed
- Directly exhausted to the outdoors
- With none of its exhaust air circulated to any nonsmoking area
- With its exhaust air vents located at safe distances from any entrance, exit or air intake to the building (this distance varies from 15 to 25 feet depending on the type of place)



Signage

Places that are entirely smokefree or that limit all smoking to rooms that meet the above requirements for protection of nonsmoking areas shall post signs at entrances indicating the place is smokefree.

These signs shall be at least two by four inches in size, and it is the responsibility of the owner, lessee, manager or supervisor of each place to post them.

Acceptable signs include the Breathe Easy decals available free of charge from the Oklahoma State Department of Health. These are available at many county health department offices. They can also be requested from the State Department of Health by calling tollfree 1-866-ONLY AIR (1-866-665-9247).

Frequently asked questions about Oklahoma's New Secondhand Smoke Laws*

Are any places required to have smoking rooms?

No. No places are required to permit smoking, and any place is free to be entirely smokefree if it chooses.

How are restaurants affected?

The new laws have a slightly different timetable for restaurants, which will have an additional 30 months (until March 1, 2006) to be either all smokefree or—if they elect to permit smoking in some areas—to provide enclosed and separately ventilated smoking rooms that meet the laws' requirements for protecting nonsmoking areas.

Unlike other public places and workplaces, restaurants will be able to continue designated smoking and nonsmoking areas without separate smoking rooms until March 1, 2006. Restaurants will be permitted to serve food and beverage in their smoking rooms, and the new laws consider all sizes of restaurants the same, regardless of seating capacity. The laws also specify that smoking may be permitted in outdoor dining areas of restaurants, but not within 15 feet of any exterior public doorway or air intake.

Are bars exempt?

The new laws exempt "stand-alone bars, stand-alone taverns" and "cigar bars." To qualify, these places must derive at least 60% of their gross receipts from the sale of alcohol and low-point beer, they must not admit persons under age 21 (except hired musicians), and they cannot be located within or share an entrance or common indoor area with another indoor workplace such as a restaurant.

Can a resident smoke in a nursing home?

This is addressed already in state law and in regulations that will continue in effect. Some nursing homes choose to be all smokefree. However, a nursing home may choose to provide an indoor smoking room for residents and guests, but such rooms must be enclosed and separately ventilated to protect nonsmoking areas. The new laws clarify these smoking room requirements and reinforce existing

Board of Health rules on tobacco use in nursing homes.

How are bowling alleys affected?

Bowling alleys, like most other businesses that are open to or used by the public, must be smokefree. Bowling alleys are not exempted under the new laws, even if they serve food or beverage.

What about convenience stores?

Convenience stores are not exempt. They are indoor places that are required to be smokefree. Though some have seating, their food service operations are incidental to other business activity.

How are buses and taxis affected?

As providers of public transportation, they are to be smokefree.

How are city, county and state buildings affected?

State, county and city buildings are required to be smokefree, and no smoking is permitted within 25 feet outside any entrance or exit. Only one smoking room may be permitted in any of these buildings. It must be separately ventilated, and no public business can be done in this room.

Can smoking be permitted in a private office?

Yes, provided there is only incidental public access to the individual office. This does not include businesses that depend on walk-in customers for any part of their business. All occupants of the office must be smokers, and the space must be fully enclosed, separately ventilated and under negative air pressure to keep smoke from nonsmoking areas.

What is the responsibility of the owner or manager of a place with nonsmoking areas?

In addition to adopting an appropriate smoking policy and posting signs at entrances, under the new Smoking in Public Places and Indoor Workplaces Act, the person in charge must ask a smoker in a nonsmoking area to refrain from smoking whenever such a violation of the smoking policy is observed.

Oklahoma State Department of Health
1000 NE 10th Street
Oklahoma City, Oklahoma 73117
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* Based on Oklahoma Statutes effective September 1, 2003. Full text available at www.breatheeasyok.com or 1-866-ONLY AIR.