

Let's Celebrate!

**Smokefree
MONTANA**

FREQUENTLY ASKED QUESTIONS

Q: What is the Montana Clean Indoor Air Act?

A: The Clean Indoor Air Act is a Montana state law that requires all enclosed public places and workplaces in Montana to be smokefree as of October 1, 2009.

Q: Who passed this law?

A: The Montana legislature enacted the Montana Clean Indoor Air Act in 2005.

Q: What is an “enclosed public place?”

A: An “enclosed public place” means an indoor area, room, or vehicle that the public is allowed to enter or that serves as a place of work. Enclosed public places include but are not limited to bars, casinos, restaurants, stores, public and private offices, health care facilities, public transportation, business vehicles, and public schools.

Q: What is a “place of work?”

A: A “place of work” means an enclosed place where one or more individuals are required to be as part of their job.

Q: Are there any exceptions to the law?

A: Yes. The law does not apply to:

- Private residences, unless the residence is used as a day care, an adult foster care home, or a health care facility.
- Private vehicles.
- Hotel rooms designated as smoking rooms. Currently, a hotel may designate no more than 35 percent of its rooms as smoking rooms.
- Sites used in connection with the practice of cultural activities by American Indians in accordance with the American Indian Religious Freedom Act.

Q: Why is the Montana Clean Indoor Air Act important?

A: The act protects each individual’s right to breathe clean air, and it protects public health. In 2006, the U.S. Surgeon General declared, there is no safe level of exposure to secondhand tobacco smoke. Exposure to secondhand smoke causes lung cancer and other fatal and debilitating diseases. It also damages infants’ and children’s health. Smokefree laws like Montana’s reduce heart attack incidence by at least 19 percent.

Q: How will the Montana Clean Indoor Air Act affect businesses?

A: For most businesses and workplaces in Montana, the full implementation of the law on October 1, 2009 will not alter existing policies that have been in place for years. Bars and taverns that have held an exception to the law must become smokefree. Many recent

studies show that comprehensive smokefree laws do not have adverse economic impacts on restaurants and other businesses. In fact, smokefree businesses often save money.

Following are a few examples:

- Since the risk of fire is reduced, fire insurance may cost 25-30 percent less for a smokefree business.
- Cleaning costs may be significantly reduced.
- Many insurance companies offer discounts on life, disability, and health insurance for nonsmokers.
- Employees who work in a smokefree environment typically miss fewer work shifts due to illness than those who do not.

Q: What does the law require of me as a business owner or operator?

A: Smoking is prohibited in any enclosed public place or workplace. You must post no-smoking signs that are clearly visible at all public entrances.

Q: Does the State of Montana provide no-smoking signs that I can post to comply with the law?

A: Yes. Your *Business Implementation Kit* contains no-smoking signs. You can order additional signs by using the material order form provided in this kit.

Q: My business has always allowed smoking. What can I do to prepare for converting to a smokefree establishment?

A: The most important key to a successful transition to a smokefree business is to adopt a positive attitude and proactive plan to implement the law. Most Montanans do not smoke and the vast majority of Montanans support the Montana Clean Indoor Air Act. You can use these facts to your advantage. Below are specific ways you can prepare:

1. Help your employees prepare. Hold a staff meeting, distribute educational materials, and discuss the law. Tell your employees your business will comply with the law and explain why.
2. Offer your employees who smoke information about the free Montana Tobacco Quit Line. They can get free help that is proven to be successful at 1-800-QUIT NOW (784-8669). Research shows that most tobacco users want to quit. When your business goes smokefree, it may be the deciding factor in helping employees and patrons alike achieve better health and longer lives.
3. Let your customers know what's coming by posting signs and distributing information as soon as possible. Plan an October 1st smokefree party. You can gain publicity and inform your patrons and your community in the process.
4. Enclosed in your *Business Implementation Kit* are important support and educational materials. Begin to use the table tents, napkins, and glass/mirror clings as soon as possible, culminating with a final roll-out on October 1, 2009, or earlier if you like!
5. By October 1, 2009, remove all ashtrays and discard them from your business.
6. By October 1, 2009, in accordance with Montana law, post no-smoking signs at each public entrance.

Q: How should I and my employees respond if a customer smokes in my establishment?

A: If one of your patrons smokes indoors after your business goes smokefree and will not extinguish the cigarette or cigar, use the same techniques you already employ to remove a

quarrelsome customer. Bouncers and local law enforcement can help in the same way as they would for any other problem customer.

Q: What about outdoor smoking or patios?

A: Secondhand smoke kills people. When people smoke outside of a building, secondhand smoke can drift inside through air intake vents and doorways. For your own, your employees' and your patrons' health, consider implementing a setback rule, where no smoking is permitted within 30 feet of your building to avoid direct exposure and smoke drifting into your establishment. Increased public understanding of this health problem has made changes like these readily acceptable.

Q: Can citizens file complaints if a business is not in compliance?

A: Yes. The simplest way citizens can file complaints is by logging on to tobaccofree.mt.gov. Citizens also may file complaints by calling their local health department or the Montana Tobacco Use Prevention Program at 1-866-787-5247. Signed complaints, including those filed electronically by an identified individual, are evidence of a violation. Paper forms for reporting violations are also available to download at: <http://tobaccofree.mt.gov/cleanairact/montanacleanindoorairact.shtml>.

Q: What are the penalties for violation of the law?

A: A person who owns, manages, operates, or otherwise controls a public place or place of employment and fails to comply with the provisions of the Clean Indoor Air Act is guilty of a misdemeanor after a third violation within a 3-year period. Business owners, managers, and operators who violate the Clean Indoor Air Act will receive a warning for the first violation, a written reprimand for a second violation, and, within any 3-year period, a fine of \$100 for a third violation, \$200 for a fourth violation, and \$500 for a fifth or subsequent violation. The law also stipulates that any individual who smokes in an area where smoking is prohibited is guilty of a misdemeanor and subject to fines.

Q: Will the Montana Clean Indoor Air Act be enforced?

A: Most Montanans do not smoke and the vast majority of Montanans support the Montana Clean Indoor Air Act. Therefore, the need for enforcement should be minimal, especially when business owners are proactive in transitioning to a smokefree establishment. However, the Montana Department of Public Health and Human Services, the local health board, and your county attorney hold responsibility for successful implementation and enforcement. The Department and local tobacco use prevention specialists have worked with county health departments, county attorneys, and others to ensure that enforcement occurs when necessary.

Q: Who is responsible for enforcing the law?

A: Montana law assigns enforcement responsibility to the Department of Public Health and Human Services, its designees, local boards of health, and the boards' designees, under the direction of the Department. The following list includes but is not limited to state and local agencies and individuals who may make an on-site inspection or otherwise investigate a suspected or reported violation and who may report additional violations they observe:

- Department of Public Health and Human Services
- Department of Justice
- Department of Revenue
- Local health department



- Local law enforcement
- Local or state health officers and other local and state health officials
- Local sanitarian
- Local tobacco prevention specialist

Q: Where can I obtain or view the law and administrative rules in entirety?

A: You can read and download the full language of the law at:

http://data.opi.mt.gov/bills/MCA_toc/50_40_1.htm

You can read and download the administrative rules at:

<http://www.mtrules.org/gateway/Subchapterhome.asp?scn=37.113.1>

Questions? Your county may have a local tobacco prevention specialist who can help you by providing information. For additional information, log onto tobaccofree.mt.gov or call toll-free, at 1-866-787-5247.