

Wisconsin's Statewide Smoke-Free Air Law

On July 5th, 2010, Wisconsin will become the 27th smoke-free state!

Definitions:

Place of Employment: any indoor place that employees enter carrying out their work duties such as office, work area, employee lounge, restroom, conference room, meeting room, classroom, elevator, stairway, lobby, common area, vehicle, cafeteria, meeting room, or hallway.

Public Place: any place open to the public or where the public may be invited

Enclosed Place: a structure or area that has a roof and more than two substantial walls (Substantial meaning no more than 25% open air)

Smoking: a cigar, cigarette, pipe, or other lighted smoking equipment

3rd Hand Smoke: Third hand smoke is tobacco residue that clings to surfaces. When a cigarette is burned, it releases nicotine and other chemicals into the air. This collects onto surfaces, such as walls, carpeting, drapes and furniture. It can linger for months.

What's the big deal? Third Hand Smoke contains Cancer causing chemicals. It is exposed to people through dust or the contact of skin with carpet or cloths, making it especially dangerous for infants and toddlers. Turning on a fan or opening a window does not eliminate this hazard. Smoking outside doesn't help much either. Not smoking eliminates 3rd Hand Smoke!

Limits on local authority to regulate smoking:

Local authorities (city, county, village, towns) may further restrict outside smoking on public properties such as parks, fairgrounds, and the like. Local authorities may not define the term reasonable distance or set any set number of feet as being a reasonable distance. Restaurants, taverns, private clubs, and retail establishments may designate an outside area a reasonable distance from any entrance where people can smoke.

Enforcement & Fine Structure:

Department of Justice is authorized to enforce the smoke-free law. An individual in violation of the law will be fined \$100 to \$250.

Person in charge provisions: A person in charge can't provide matches or ashtrays, must post adequate signage, ask any person violating the law to stop smoking, ask any person violating the law to leave, refuse service to any person violating the law in the case of restaurants, bars, and private clubs, and notify law enforcement if the person refuses to comply. Any person in charge who violates the law will be fined \$100. The first violation required a warning* and the maximum daily fine is \$100 regardless of the number of violations.

*Any person in charge who does not take appropriate action as outlined above will also be fined.

Smoking is prohibited in the following places:

- State Capital and immediate vicinity
- Residence halls or colleges and universities
- Day care centers and outside of a day care center when children are present
- Educational facilities
- Correctional facilities (and on the grounds of juvenile correction facilities)
- State institutions (mental health, developmentally disabled persons)
- All restaurants and taverns
- All retail establishments
- All bowling centers
- All skating rinks
- Private clubs (any facility used by an organization that limits membership and is organized for recreational, social, political etc. purposes)
- Common areas of multi-unit residential properties
- Hotels, motels, bed & breakfasts, and tourist rooming houses
- All municipal buildings
- A reasonable distance from smoke-free places and entrances
- Sports Arenas of all kinds including Lambeau Field, Miller Park, gymnasiums, & swimming pools (whether or not they fit the definition of an enclosed space)
- Bus shelters, public transit
- Health and medical centers including hospitals, physician's offices, treatment centers
- Inpatient health care facilities (county home, nursing homes, hospice, veteran's home)
- Theaters
- All other enclosed places other than list above that are places of employment or public places

Smoking is permitted in the following places:

- Private residences
- Certain residence rooms in assisted living facilities which are designated as smoking
- Tobacco retailers** who generate more than 75% of its revenue from the sale of tobacco not including cigarettes
- Tobacco bars** which generate 15% or more of its revenue from the sale of cigars or pipe tobacco (vending machines are not included)

**Tobacco retailers and tobacco bars must be in existence by 6/3/09; smoking of cigarettes is prohibited

Effective: July 5th, 2010

Source: Rock County Youth to Youth: Making difference 4 Generations to come.