



THE CITY OF NEW YORK

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Michael R. Bloomberg
Mayor

Thomas R. Frieden, M.D., M.P.H.
Commissioner

nyc.gov/health

March 25, 2003

Dear Business Owner/Employer:

As you may know, Local Law 47 of 2002, amending the Smoke-Free Air Act, will go into effect on March 30, 2003. The new law makes virtually all workplaces in New York City smoke-free to protect workers from exposure to second-hand smoke. To assist business owners and employers in complying with the law, an informational brochure is available on our website at <http://www.nyc.gov/html/doh/pdf/smoke/tc5.pdf>.

One of the requirements of the law is that all employers adopt and disseminate a written workplace smoking policy. Current smoking policies will need to be updated to reflect the changes in the new law. For example, all indoor areas of office buildings including private offices and employee lounges will now be smoke-free. In addition, all indoor areas of theaters, banks, educational and health care facilities, shopping malls and retail stores, recreational facilities, restaurants, and bars will also be smoke-free. There are rare exceptions, which are described on the Department's website at nyc.gov/health.

To help employers adopt or update their written smoking policy, we are enclosing a sample policy, which may be adapted for your use. Note that this is only a sample and that employers are free to create their own policy in whatever style and format they wish, as long as it accurately reflects the provisions in the new law.

For further information, please visit the Department's website at nyc.gov/health for updated information and materials. We look forward to supporting your efforts to make your workplace smoke-free.

Sincerely,

Thomas R. Frieden, MD, MPH
Commissioner

A Sample Smoke-Free Workplace Policy

Purpose A smoke-free policy has been developed to comply with the New York City Smoke-Free Air Act (Title 17, Chapter 5 of the Administrative Code of the City of New York) and New York State Clean Indoor Air Act (Article 13-E of the New York State Public Health Law), and to protect all employees and visitors from secondhand smoke, an established cause of cancer and respiratory disease. The policy set forth below is effective March 30, 2003 for all [company name] locations.

Smoke-Free Areas All areas of the workplace are now smoke-free without exception. Smoking is not permitted anywhere in the workplace, including all indoor facilities and company vehicles with more than one person present. Smoking is not permitted in private enclosed offices, conference and meeting rooms, cafeterias, lunchrooms, or employee lounges.

Sign Requirements “No Smoking” signs must be clearly posted at all entrances and on bulletin boards, bathrooms, stairwells and other prominent places. No ashtrays are permitted in any indoor area.

Compliance Compliance with the smoke-free workplace policy is mandatory for all employees and persons visiting the company, with no exceptions. Employees who violate this policy are subject to disciplinary action.

Any disputes involving smoking should be handled through the company’s procedure for resolving other work-related problems. If the problem persists, an employee can speak to [company department and phone number for complaints] or lodge an anonymous complaint by calling the New York City Department of Health and Mental Hygiene’s complaint line, 1-877-NYC DOH7 (1-877-692-3647) or on the web at nyc.gov/health. DOHMH’s enforcement staff will take appropriate action to resolve the problem.

The law prohibits employers from retaliating against employees who invoke the law or who request management’s assistance in implementing it in the workplace.

Smoking Cessation Opportunities [Company name] encourages all smoking employees to quit smoking. [The company medical department or worksite wellness program offers a number of services for employees who want to quit.] Smoking cessation information is available from the New York Smokers’ Quit Line at 1-866 NY QUIT (1-866-697-8487).

Questions Any questions regarding the smoke-free workplace policy should be directed to [company department and phone number handling inquiries].

[NOTE: This policy may need to be modified in workplaces and establishments that qualify for exemptions]