



Countdown to a Smoke-free City of Mobile

Preparing Your Business for the City of Mobile, Smoke-free Ordinance

As of **October 1, 2012** businesses, restaurants and public places in the City of Mobile will be smoke-free. The updated law ensures that most workers will have a safe workplace and that all of us can breathe clean, smoke-free air when we are in a public place or place of business.

What does the Smoke-free Ordinance Say?

As of October 1, 2012, public smoking in the City of Mobile will be prohibited in all enclosed public places, places of employment, restaurants, municipally owned parks, playgrounds, recreational areas, municipal buildings and vehicles, Downtown Business Improvement District (N. Water St. to N. Cedar St. & Beaugard St. to Church St.), and other places where the public gathers. Exempted areas where smoking will be allowed include: bars, retail tobacco stores, private clubs, tobacco bars and outdoor areas (decks, verandas, porches) of restaurants **only after 8:00 P.M.** Private residences which **are not** used as a business are also exempt.

What is secondhand smoke?

In issuing a groundbreaking report on secondhand smoke in June 2006, former U.S. Surgeon General Richard Carmona stated, "The debate is over. The science is clear: Secondhand smoke is not a mere annoyance, but a serious health hazard that causes premature death and disease in children and nonsmoking adults." Secondhand smoke contains more than 7,000 chemicals, including at least 69 carcinogens. The Surgeon General found that secondhand smoke is a proven cause of lung cancer, heart disease, serious respiratory illnesses such as bronchitis and asthma, low birth weight and sudden infant death syndrome. The Surgeon General also found that secondhand smoke is responsible for tens of thousands of deaths in the United States each year. There is no safe level of exposure, and only smoke-free laws provide effective protection from secondhand smoke.

Do I need to post signs?

Non-smoking establishments are not required to provide signage of smoke-free status but are encouraged to post smoke-free signs at all entrances. Smoke-free window clings are available from the Mobile County Health Department by calling 544-2050.

Smoking establishments are **required** to provide signage "on or adjacent to each and every exterior door to the establishment generally accessed by patrons or employees, plainly visible to persons entering through the door." Signs must be no smaller than 8.5 inches by 11 inches,

with white lettering on a red or black background, and including at least one of the following statements: **“This establishment is a smoking facility”** or **“Smoking is allowed throughout this facility at all times”** (ordinance 27-022) in letters no smaller than five-eighths of an inch tall.

Posting signs before the effective date of the new law will help make the transition smoother for both employees and patrons. Free downloadable signs are available at www.JustBreatheMobile.com and www.MobileCountyHealth.org.

What is meant by age restrictions?

No one under the age of 21 may enter as a patron or be employed by a bar or tobacco bar which allows smoking.

How will the new law be enforced?

Compliance with the law is the responsibility of the owner, manager or other person in charge of a business, or restaurant. Violation may result in suspension or revocation of any permit or license issued for the premises.

- It is their responsibility to disseminate information concerning the provisions of this ordinance to all employees.
- This Article is enforceable by any duly authorized municipal code enforcement officer, police officer, fire department official, or by a designated employee of the Mobile County Health Department.
- The Health Department, Fire Department, or their designees shall, while an establishment is undergoing otherwise mandated inspections, inspect for compliance with this Article.
- Persons desiring to register a complaint under this article may initiate enforcement with the Mobile County Health Department by calling 544-2050.

What do I do about a customer who refuses to comply?

Should such violation continue, the owner, operator or manager will refuse service and shall promptly report such violations to the any duly authorized municipal code enforcement officer, police officer, or fire department official. Any person found guilty of violating the provisions of this article shall be punished with a fine of seventy dollars (\$70.00) plus court costs, or by community service for a period not exceeding six (6) months, or by both fine and imprisonment and/or service at the discretion of the judge. The individual, not the business, will be fined.

What happens if I don't comply with the smoking ordinance?

A person who owns, manages, operates, or otherwise controls a public place of employment and who fails to comply with the provisions of the Article shall be guilty of an infraction, punishable by:

- A fine not exceeding one hundred dollars (\$100.00) for a first violation.

- A fine not exceeding two hundred dollars (\$200.00) for a second violation within one (1) year of any previous violation.
- A fine not exceeding five hundred dollars (\$500.00) for each additional violation within one (1) year of any previous violation.
- Every day on which a violation of the article occurs shall be considered a separate and distinct violation.

Am I required to provide a smoking break room for my employees?

No. In fact, the smoke-free law prohibits employers from providing an indoor smoking room or area. Businesses that currently have a separate room for smoking can no longer allow smoking in these rooms or anywhere else inside. Outdoor areas of places of employment may be designated as smoking sections. Smoking areas should be designated by appropriate signs, clearly visible to patrons in or entering the area and should contain ashtrays, containers or other facilities for extinguishing of smoking materials, and should be no closer than 15 feet (a minimum of 7 feet) to building entrance, operable windows, and ventilation systems.

Be sure to communicate early and clearly with your employees to ensure they understand how the new smoke-free workplace law applies to both them and your customers.

How do I enforce the “15-Foot Rule” (7-foot minimum)?

The most important thing is to train your staff about the new law and post adequate signage **BEFORE** the effective date of the law. A business owner’s responsibility only extends to areas of service under his or her control.

Business guide to a Smoke-free Workplace

There are a few steps you must undertake before you make your business smoke-free. This will ensure the smoothest transition possible for both your employees and your customers. Management attitude dramatically affects your transition.

- Develop a written policy on smoking/tobacco
- Talk to your staff about the importance of going smoke-free and the hazards of secondhand smoke to them and your customers. Discuss their role and your own in communicating the change to customers and enforcing the new workplace policy.
- Post information about the ordinance and enforcement:
 - At employee meetings
 - As payroll inserts
 - Notices on bulletin boards and in employee break rooms
 - In newsletters
- Celebrate and publicize the upcoming change, several weeks before the policy implementation date. Businesses that make a 'splash' with have an easier transition and the greatest gain. Accentuate the positive and have fun with it.
 - Brag about it. Have employees wear smoke-free employee buttons
 - Advertise in the local newspaper, your newsletter, churches or the chamber of commerce
 - Hold a 'nearly smoke-free' party for customers and employees to announce 'we're not blowing smoke'
- Prepare your property! Head off complaints before they become an issue.
 - Make sure to get rid of all ashtrays, matchbooks, and other smoking paraphernalia
 - Create an attractive outside smoking area if you choose
 - Involve employees in selecting clear and prominent locations on the property where smoke-free signage should be posted
 - Talk to your customers about the upcoming change. Be positive!
- Talk to the media. Get local reporters involved and stress that nothing about business has changed...but the air. Let me media know your business is looking forward to the healthful advantages of clean indoor air for employees and customers and the reduced maintenance costs the business will enjoy.
- Help employees who smoke. Let them know you appreciate their efforts to comply with the law and provide information about cessation services such as the Alabama Tobacco Quitline, 1-800-784-8669 or 1-800-Quit-Now.



Employer Financial Benefits:

A smoke-free environment not only helps create a safe and healthy workplace, but can also result in a number of financial benefits:

- Furniture, carpet and drapes are not ruined by cigarette burns and are not permeated by cigarette odors. They therefore last longer and do not have to be cleaned or replaced as often.
- Reduced number of fire incidents, and the potential for a reduced cost of fire insurance
- Direct health care costs, including worker's comp, may be reduced
- Former customers previously chased away by smoke may return and maybe joined by new customers
- Restaurant owners find that tables turn over more quickly

Financial benefits when smoke-free workplace laws result in employees quitting smoking or smoking less frequently:

- Reduced absenteeism
- Reduced amount of work time wasted by employees taking smoking breaks, which results in increased productivity
- Reduced life insurance premium costs
- Reduced risk of industrial accidents and occupational injuries
- Reduced disability costs
- Reduced number of disciplinary actions

**This establishment
is a smoking facility**

**Smoking is allowed
throughout this
facility at
all times**

**City of Mobile
Ordinance 27-022**



Save Lives, Save Money

Make Your Business Smoke-Free



Suggested citation:

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If you could have a
safer workplace, a
cleaner workplace, a
healthier workplace, a
more productive workplace—
and it wouldn't cost you a dime...

Would you?

If you could save **thousands of dollars**
a year...

Would you?

Making your business smoke-free
can do all that, and more.



Why Go Smoke-Free?

It's good for your bottom line.

- Going smoke-free lowers the risk of fires and accidental injuries,^{1,2,3} which can reduce your insurance costs. Smoke-free businesses have negotiated for lower fire and property insurance premiums, with some businesses winning reductions of 25–30 percent.⁴
- Going smoke-free reduces cleaning and maintenance costs.^{5,6} The Building Owners and Managers Association, a national trade group, reports that indoor smoking increases cleaning costs and states “secondhand smoke does not belong in buildings.”⁷
- Going smoke-free reduces potential legal liability. Nonsmokers harmed by secondhand smoke at work have won lawsuits and disability claims against their employers under a variety of legal remedies.^{8,9}

Unigard Insurance (Seattle, WA) saved \$500 a month after going smoke-free when its maintenance contractor reduced its monthly fee because staff no longer had to clean ashtrays, dust desks, and clean carpets or furniture as often.¹⁰

It's good for your workers' health—and that's good for your bottom line too.

- Everyone benefits when the air is cleared of secondhand smoke—even smokers, some of whom will quit or at least cut back.^{11,12} Workers become healthier, and healthier workers miss less work, are more productive, and have lower health care costs.^{13,14,15,16}



- The American Productivity Audit, a national survey of over 29,000 workers, found that tobacco use was a leading cause of worker lost production time—greater than alcohol abuse or family emergencies. Quitting smoking, or even just cutting back, improves a worker’s productivity.¹⁷
- One large company found that their employees who smoked had more hospital admissions (124 vs. 76 admissions per 1,000 workers) and a higher average insured payment for health care (\$1,145 vs. \$762) than their nonsmoking employees in an 11-month period.¹⁸



Want to know more?

Go to www.cdc.gov/tobacco for more information about how smoke-free policies save employers money while improving employees’ health.

Think of a lit cigarette as a miniature toxic waste dump. Secondhand smoke contains more than 50 cancer-causing chemicals.¹⁹ The toxins in secondhand smoke can cause heart disease and lung cancer in nonsmokers.²⁰ Breathing secondhand smoke for even a short time could have immediate effects on your blood and blood vessels, potentially increasing the risk of a heart attack.^{21,22,23,24}



What Are Your Options?

When it comes to secondhand smoke, half-measures like designated smoking rooms won't get you where you want to go. Because there is no safe level of secondhand smoke²⁵, only 100 percent smoke-free policies fully protect workers' health.^{26,27} These policies also offer the greatest support to smokers trying to quit.^{28,29,30,31} Smoke-free policies can take one of two forms:

100 percent smoke-free in all indoor areas, including company vehicles. Smoking is restricted within specified feet of entrances, windows, and ventilation intakes to prevent smoke from drifting back into the building.

100 percent smoke-free in all indoor and outdoor areas. Smokers must leave company property to smoke. This is often called a smoke-free campus policy.

Your written smoke-free policy should begin by stating your goal to create a safe, healthy workplace for all workers:

- Mention the documented health risks of secondhand smoke.
- Be clear and simple about where smoking is prohibited. Avoid exceptions to the policy (for instance, don't allow smoking in private offices or production areas).
- Voice your commitment to help smokers who want to quit.
- Design the policy to treat all workers fairly, regardless of title or smoking status.



Myth #1: Ventilation Is a Solution.

Even the most advanced ventilation system cannot eliminate secondhand smoke or its health risks.³² The American Society of Heating, Refrigerating, and Air Conditioning Engineers states: “At present, the only means of effectively eliminating health risk associated with indoor exposure [to secondhand smoke] is to ban smoking activity.”³³

Myth #2: Smoke-Free Policies Are Hard to Manage.

Very few workers say that someone violated a smoke-free policy at their workplace.³⁴ In fact, most smokers come to support smoke-free policies after they’ve had the chance to experience one.^{35,36,37}

“Compliance is easy. We haven’t had problems with our smoke-free policy—that includes the sales and customer service reps in our office building, the workers at our warehouse, and our drivers.”
Director of Human Resources, Pet Food Experts, Inc.³⁸



Want to know more?

Go to www.cdc.gov/tobacco for model workplace policies and links to organizations that can help you get started.



Ready To Make Your Business Smoke-Free?

Give yourself at least 6 months to 1 year to plan for the new policy, enough time to take the following steps:

Set up a task force to oversee the process. Include top management and workers (union representatives, if applicable); include nonsmokers, smokers, and former smokers.

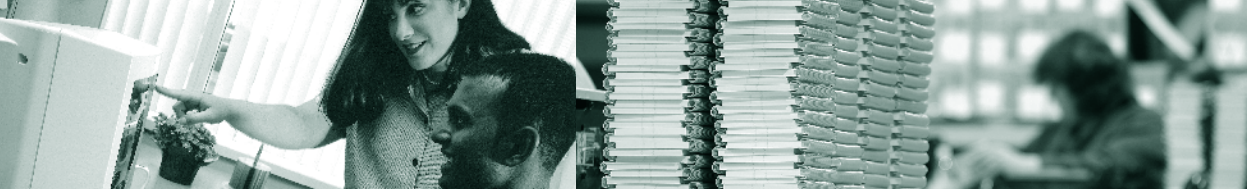
Gather information to educate the task force and, eventually, the entire workforce. Survey your workers about their knowledge and concerns so you can address them before your policy goes into effect.

Write the policy. Keep it clear and simple; the more straightforward the policy is, the easier it is to understand and enforce. Set up an enforcement

policy that is consistent with other personnel policies and disciplinary procedures. The number of allowed breaks should be addressed under your company's general break policy and should apply to all workers, smokers and nonsmokers alike.

Announce the policy several months before the start date with a letter from the owner or chief executive officer. Train managers on how to handle worker or customer concerns, questions, and infractions, if they occur. Educate workers about the reasons for the policy by using resources like paycheck inserts, posters, or company newsletters.

Offer help to workers who want to quit smoking. Plan in advance how you will do this. For ideas, see page 10.



Get ready for the policy start date.

Post “no smoking” signs, remove ashtrays and tobacco vending machines, and place receptacles for smoking materials at the designated distance outside entrances (or remove receptacles entirely if you are adopting a smoke-free campus policy). Hold a kick-off event on the day the policy starts.

Monitor the policy. Have a point person in top management who tracks how the policy is going. Managers should report questions, concerns, or infractions to this person.

Offset Paperback in Pennsylvania dismantled their smoking room and passed out mints in wrapping imprinted with the universal no-smoking sign the day their smoke-free policy went into effect.³⁹



Want to know more?

Go to www.cdc.gov/tobacco for step-by-step recommendations to plan your policy, resources on working with unions, and sample materials to help survey and educate your workers.

If your workers are represented by a union, work closely with the union to create your smoke-free policy. Find out if workers have a right to smoke in the workplace under the existing contract. Understand how the collective bargaining process may affect development and enforcement of a smoking policy. Remember, worker health and safety is a key union concern, and a natural fit with a smoke-free policy.



What About Workers Who Smoke?

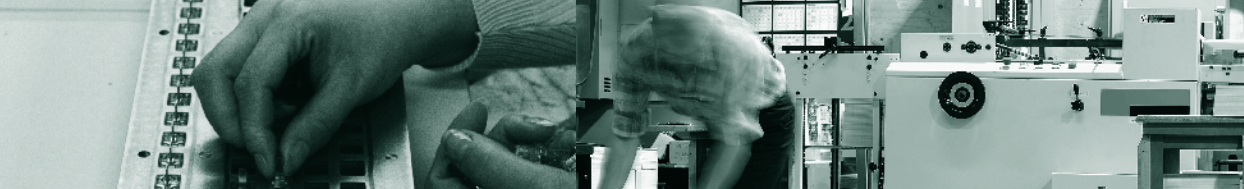
Adopting a smoke-free policy is not passing judgment on smokers and it doesn't mean workers who smoke are unwelcome. Providing cessation assistance to smokers who try to quit as a result of the policy can increase acceptance of the policy. It is also the best way to make sure that your business maximizes the potential health benefits, and cost savings, of your smoke-free policy.

If you provide health insurance or health maintenance organization (HMO) coverage, check to see if your policy covers cessation services (including counseling and medication). If it doesn't, look into adding coverage for cessation

services to your policy; this is the most cost-effective benefit you can offer your workers.⁴⁰

Other things you can do to increase smokers' chances of quitting include:

- Distribute a list of local cessation programs.
- Provide free self-help materials.
- Organize free onsite support groups.
- Offer free or reimbursed cessation programs onsite or through local providers.



Many States host toll-free quitlines that offer free help: Smokers can call 1-800-QUITNOW (1-800-784-8669) to be connected to the quitline serving their area. The Web site www.smokefree.gov also has quit tips, information, and other free resources.



Want to know more?

Go to www.cdc.gov/tobacco for more ideas on how to help smoking workers quit, including links to free self-help materials and other resources.

“Helping smokers who want to quit is the most important thing we did to make our smoke-free policy work. We held an onsite cessation program run by the local health department; we also invited many local cessation providers to come to our business for a health fair to promote their programs.” Labor Relations Manager, Just Born, Inc.⁴¹

Don’t be afraid to bring up the issue of quitting.

Seventy percent of smokers say they want to quit.⁴²

Go Smoke-Free, You'll Be In Good Company!

Over 70 percent of indoor workers already are enjoying the benefits of a smoke-free workplace.⁴³ The following are just a few of the many companies that have gone smoke-free (those with an * have a smoke-free campus policy):⁴⁴

AT&T	International Truck and Engine Corporation*
BASF Corporation	Lowe's Companies, Inc.*
Bechtel	Marcal Paper Mills, Inc.
BF Goodrich Tire Manufacturing*	MCI Communications
Boeing	Merck & Company
Bristol-Myers Squibb	Nestle Purina PetCare Company
Calgon*	Nike, Inc.*
Coca-Cola	Proctor & Gamble
Dow Chemical Company*	Prudential Financial
Dunkin' Donuts	Scott Paper Company*
Dupont Chemical Company	Sharper Image
Eli Lilly and Company*	Starbucks
Federal Express	Subaru Auto Assembly Plant (Indiana)
General Mills	Target Corporation
Hain Celestial Foods	Texas Instruments, Inc.
The Home Depot, Inc.	Tyson Foods
IBM	Union Pacific
Johnson & Johnson	Verizon
Kennecott Mining*	Westin Hotels

More facts and advice are available from the Centers for Disease Control and Prevention at www.cdc.gov/tobacco.

To order additional copies of this booklet, call:
Toll Free: **1-800-CDC-INFO (1-800-232-4636)**
In English, en Español
24 hours/day, 7 days/week
TTY: **1-888-232-6348**

Additional information is available at:
www.surgeongeneral.gov.

For information to help your employees quit smoking, go to www.smokefree.gov. To access a telephone quitline service in your area, call **1-800-QUIT-NOW (1-800-784-8669)**.

Please note: If you would like to review the references for this publication, you can download a referenced version by going to www.cdc.gov/tobacco.

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⁴⁴ Americans for Nonsmokers' Rights. Corporate Smokefree Policies; 2006. <http://www.no-smoke.org/goingsmokefree.php?id=452>. Accessed May 19, 2006.

This list was supplemented by newspaper clips and personal communications.

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smok**

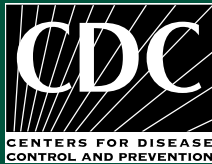


No

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