

In response to increasing pressure from nonsmokers and health authorities, many states have adopted laws sharply restricting workplace smoking, and some have banned it altogether, particularly in state-owned facilities. In most cases, these laws confine workplace smoking to designated areas, and some prescribe additional safeguards to prevent nonsmokers from exposure. In a number of states, there are municipal ordinances or agency regulations that place further restrictions on workplace smoking. All of the states with smoking restrictions specify certain exceptions, and these differ from state to state.

The tobacco industry and other smokers' rights advocates have answered the call for increased regulation of workplace smoking with a demand for the protection of employees' rights during off-duty hours. Accordingly, many states have enacted laws prohibiting employment discrimination of any kind against workers on the basis of participation in lawful activities—including tobacco use—during nonworking hours.

**Note:** An employer has the discretion to ban smoking entirely in his or her workplace.

State	Statute	Policy and Type of Workplace Regulated	Requirements for Smoking or Nonsmoking Area	Nondiscrimination Law	Notice Posting Requirement	Exceptions to Policy
Fed.	No provisions.					
Ala.	AL Admin. Code Sec. 22-15A-1 <i>et seq.</i>	Smoking is prohibited in common areas of public places, including elevators, restrooms, lobbies, and hallways; workplaces of 4 or more people; schools, child care and daycare facilities; nursing homes and senior citizen residences; retail establishments; buses and government buildings (except in private offices) and on public transportation. Employers of 5 or more workers must have a written policy.	Existing physical barriers and ventilation systems may be used to minimize the effect of the smoke on areas where smoking is prohibited. No more than one-fourth of a facility may be designated as smoking-permitted.		No-smoking signs or signs bearing the international no-smoking symbol must be prominently posted in public areas and maintained by the person in charge of the facility.	Bars and lounges. Retail tobacco stores and tobacco businesses, limousines under private hire, designated hotel and motel rooms, or patient areas in chemical dependency treatment or mental health centers.
Alaska	Alaska Stat. §18.35.300 <i>et seq.</i>	Smoking is restricted to designated areas in places of employment; facilities controlled by the state (prisons, courtrooms, etc.); public restrooms and waiting rooms; healthcare facilities; restaurants seating 50 or more; public sports and entertainment venues. Smoking is prohibited in schools and child care facilities, hospitals, healthcare facilities, and dentists' offices.	Existing barriers or ventilation must be used to ensure that nonsmokers are not exposed.		Person in control of building must post "No Smoking" signs (available from Alaska Dept. of Environmental Health) in areas where smoking is prohibited.	Private offices posted as smoking permitted, limos and taxis when all passengers agree, designated smoking areas.
Ariz.	Ariz. Rev. Stat. §36-601.01 <i>et seq.</i>	Prohibited in all indoor public places and workplaces with one or more employees, whether compensated or volunteer. Prohibited in company-owned cars occupied by more than one person.		State agencies may not discriminate against employees on the basis of off-duty tobacco use.	"No Smoking" signs or the international No Smoking symbol must be posted at all entrances to facilities covered by the law.	Tobacco shops, casinos, outdoor patios of restaurants and bars, up to 50% of hotel and motel rooms, veterans' and private fraternal clubs, Native American religious ceremonies.
Ark.	Ark. Stat. §20-27-1801	Smoking prohibited in public places and enclosed areas of employment.			Smoking and nonsmoking areas must be posted appropriately in every place covered by the law.	Workplaces with fewer than three employees, outdoor areas of employment, hotels with less than 25 rooms, bars not admitting patrons under age 21.

## SMOKING

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State	Statute	Policy and Type of Workplace Regulated	Requirements for Smoking or Nonsmoking Area	Nondiscrimination Law	Notice Posting Requirement	Exceptions to Policy
Calif.	Labor Code §6404.5 <i>et seq.</i> , CA Code Regs. Tit. 8 §5194(b)(6), CA Labor Code, §96.	Banned in any enclosed place of employment, public or private, other than those exempted. Prohibited in state-owned buildings or leased space and within 20 feet of main entrances, operable windows, and air ventilation intakes. Prohibited in private homes when operating as daycare centers. Prohibited in restaurants and bars. State law supersedes local ordinances.	Smoking area must be in non-work area and vented directly outside, ventilation must comply with standards of the Occupational Safety and Health Standards Board, EPA, or equally stringent standard.	Employees protected from demotion, suspension, or discharge for lawful conduct, including smoking, during nonwork hours. Hiring is not a protected activity.	Signs indicating no smoking and smoking permitted areas must be posted appropriately at each entrance.	Tobacco shops; warehouses; patient smoking areas in long-term residential healthcare or treatment facilities; medical research sites if necessary; 65 percent of guest rooms in lodging place; private functions except when food set up or served; employees with 5 or fewer employees if all agree, the area is not accessible to minors, and air is vented outside.
Colo.	Exec. Order Regarding Smoking in State Buildings D0003690. Colo. Rev. Stat., §25-14-201 <i>et seq.</i>	Prohibited in indoor enclosed areas and workplaces and public transportation vehicles.		Employers may not discharge an employee on the basis of lawful off-duty activities, unless restriction is reasonably related to employment.	Smoking policy must be posted prominently, including at building entrances.	Businesses with 3 or fewer employees, outdoor areas away from entrances, decks and patios of restaurants at least 25 feet from entrances.
Conn.	Conn. Gen. Stat. Ann. §31-40q, §19a-342.31	Banned in public- and private-sector workplaces; any building owned, operated, or leased by the state; healthcare institutions; public and private school buildings; child care and daycare facilities; elevators; dormitories in a university or college; public transportation and terminals; retail food stores; restaurants, bars, and private clubs; bowling alleys; and any other indoor area used by the general public.	Existing ventilation systems and physical barriers. Ventilation must exhaust air directly to the outside. No one can be required to enter a smoking area.	Employers other than fire companies, police departments, and organizations designed to discourage smoking may not discriminate on the basis of off-duty tobacco use. Violation can result in paying back wages and damages.	Signs must be posted to designate the boundaries of nonsmoking and smoking areas. Letters on signs should be made of lines one-half-inch thick and 4 inches high.	Tobacco shops and tobacco bars, smoking areas in correctional and psychiatric facilities, smoking cars on trains, and outdoor dining areas as long as 75 percent of the outdoor seating capacity is in a "no smoking" area. In lodging operations, 25 percent of guestrooms may be designated as smoking rooms.
Del.	Del. Code, tit.16, Chap. 29, §2901 <i>et seq.</i>	Prohibited in any indoor enclosed area where the public is invited or permitted, including all public buildings, all workplaces, stores, restaurants and bars, casinos, and public transportation vehicles.	Employers may stipulate how close to building entrances employees may smoke.	Employers may not discharge or discriminate against a worker who complains or gives information to the state labor department about a violation or causes proceedings to be instituted against an employer.	Where the law permits smoking, person having control of such area must prominently post signs which read: "Warning: Smoking Permitted."	Private homes not used for child care or daycare, autos not used for public transportation of children, private social functions and fundraisers, limousines under private hire, and up to 25 percent of lodging rooms.
D.C.	D.C. Code §6-911 <i>et seq.</i> , §6-913 <i>et seq.</i>	Smoking prohibited in all workplaces and most public places, including government buildings, educational facilities, healthcare facilities, stores and malls, groceries, theaters and arenas, and public transportation vehicles and stations.		Employers may not refuse to hire, discriminate against, or discharge on the basis of tobacco use unless abstention from tobacco is a bona fide occupational qualification.	"No Smoking" signs must be posted on bulletin boards, at entrances, and in restrooms and stairwells.	Designated hotel and motel rooms are exempt. Outdoor areas of restaurants; bars, taverns, and nightclubs; and tobacco shops and cigar bars are exempt until January 2, 2007.

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Fla.	Fla. Stat. §386.201 <i>et seq.</i> ;	Banned in enclosed indoor workplaces and public hallways, corridors, stairways, restrooms, break rooms, and common areas. Prohibited in government buildings; public schools; hospital and nursing homes; libraries; bowling alleys and arenas; restaurants, bars, and country clubs; retail and grocery stores; charitable, nonprofit, or veterans' organizations; prisons; private residences during daycare or healthcare use; and airports except in designated rooms. State law supersedes local ordinances regulating smoking.			"No Smoking" signs to be displayed and maintained in enclosed workplaces. Previously designated smoking rooms must now be posted as "Smoking Prohibited."	Private offices, private homes not used for child care or adult care, retail tobacco shops, designated guest rooms at hotels and lodging establishments; private social functions not under control of proprietor, noncommercial activities at membership organizations, outdoor patios at restaurants, and stand-alone bars.
Ga.	GA Code Sec. 16-12-180 <i>et seq.</i>	Smoking is prohibited in all enclosed public places and within 25 feet of such areas. Smoking is banned in public and private places of employment, except in designated smoking areas, and in lobbies, elevators, and restrooms; common areas of hotels, motels, and multiple-unit residential facilities; stores and malls; healthcare facilities; theaters, bingo halls, sports arenas; and public transportation vehicles and facilities.	Ashtrays and smoking paraphernalia must be removed from all areas where smoking is prohibited.		The owner, operator, or manager of a facility must post conspicuous signs bearing the words "no smoking" or the international no smoking signs at every entrance.	Outdoor places of employment, bars and restaurants not admitting persons under the age of 18; designated meeting rooms in privately owned facilities; not more than 20% of hotel or motel rooms, private and semiprivate rooms in nursing homes and long-term care facilities; smoking areas of international airports.
Hawaii	Haw. Rev. Stat. §328K-1 <i>et seq.</i>	Smoking prohibited in enclosed or partially enclosed workplaces or areas open to the public, including restaurants and bars, and within 20 feet of entrances.			Signs bearing "Smoking Prohibited by Law" or the international No Smoking symbol are to be posted where smoking is prohibited and in areas adjacent to smoking areas.	Hotel and motel rooms designated as smoking permitted and designated residential rooms in nursing homes and long-term care facilities.
Idaho	Idaho Code §39-5501 <i>et seq.</i> ; Executive Order 92-2	Prohibited in public places, including indoor places of business and commerce, government buildings, public meetings, schools, and on public transportation vehicles.	Designated smoking areas must be posted and enclosed and ventilated to minimize the effect of smoke in adjacent nonsmoking areas.		"No Smoking" and "Warning: Smoking Permitted" signs to be posted at entrances.	Businesses with 5 or fewer employees who are not minors, businesses in private homes (except daycare), taverns and bars, private social functions, tobacco shops.
Ill.	410 ILCS 80/1 <i>et seq.</i> ; 820 ILCS 55/5	Limited to designated areas in public places and in private and public workplaces that are frequented by the public, including restaurants, healthcare facilities, stores, and on public transportation. Prohibited in schools and living quarters in dormitories, childcare facilities, and daycare centers. Local governments may restrict or ban smoking in public places, including bars and restaurants.	Existing barriers or ventilation must be used to ensure that nonsmokers are not exposed.	Employer may not discriminate against smokers for off-duty tobacco use. Employers may not discriminate in any manner against an individual who exercises his or her rights under the Illinois Clean Air Act.	Smoking and nonsmoking areas to be posted with appropriate signs.	Bars; bowling alleys; factories, warehouses, and other workplaces not frequented by the general public; rooms used for a private social function; hotel rooms; and private, enclosed offices occupied only by smokers.

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Ind.	Ind. Code §16-14-37-1 <i>et seq.</i> , §16-18-2-295 <i>et seq.</i>	Prohibited in enclosed public sector workplaces, except in designated smoking areas, with "reasonably necessary" measures taken to accommodate both smokers and nonsmokers.	Single room building may be reserved and designated nonsmoking.	Employer other religious organization may not discriminate on the basis of off-duty tobacco use or make not smoking a condition of employment. Employer may offer financial incentives to nonsmokers.	Sign stating "Smoking Is Prohibited By State Law Except In Designated Areas" must be posted.	
Iowa	Iowa Code Ann. §142B.1 <i>et seq.</i> , §805.8(11)	Prohibited in any public place, including enclosed indoor workplaces containing 250 or more square feet except in designated smoking areas including restaurants with seating for 50+, healthcare facilities, and retail stores.	Existing barriers and ventilation must be used to ensure that nonsmokers are not exposed. One side of single room work area must be designated nonsmoking.		"Smoking Is Prohibited Except in Designated Areas" must be posted at building entrances. Smoking and nonsmoking areas must be posted with appropriate signs.	Bars, retail tobacco shops, private enclosed offices occupied solely by smokers, private social rooms at which seating arrangements are not controlled by the proprietor and workplaces not usually frequented by the public.
Kan.	Kan. Stat. Ann. §21-4009 <i>et seq.</i> ; Kan. Health Code §2-401.11	Restricted to designated smoking areas in any enclosed, indoor area open to the public, including state, county, and municipal buildings; public sector workplaces; elevators, public transportation; healthcare facilities; schools and daycare and child care facilities; retail and grocery stores; restaurants; theaters, auditoriums, and arenas; and any area of food preparation or handling.	Existing physical barriers and ventilation systems must be used to minimize toxic elements of smoke in adjacent areas.		Signs must be conspicuously posted in public places stating that state law prohibits smoking. Smoking and nonsmoking areas must be posted with appropriate signs.	
Ky.	Ky. Rev. Stat. §61.165, §438.050, §344.03 <i>et seq.</i>	Prohibited in executive branch agencies and state-owned or state-leased space including correctional facilities. State, county, and municipal workplaces may adopt a smoking policy, in writing.		Employers may not discriminate on the basis of off-duty tobacco use, provided employee complies with workplace policy.	Smoking and nonsmoking areas in executive branch buildings must be posted with appropriate signs.	
La.	La. Rev. Stat. §40:1300.21 <i>et seq.</i> , §23:966, SB 742	Prohibited in most public buildings including restaurants and bars, and offices with one employee		Employer may not discriminate on the basis of tobacco use during nonworking hours, or make it a condition of employment.	Employers must post nonsmoking areas with appropriate signs.	Free-standing bars, gaming areas of casinos, tobacco businesses, 50% of hotel and motel rooms. Prisons are exempt until 2009.
Maine	Me. Rev. Stat. Tit. 22 Sec 1541 <i>et seq.</i>	Prohibited in all enclosed areas of public places, including bars, taverns, and restaurants, and in all public restrooms. Private and public employers must establish or negotiate through collective bargaining, implement, and communicate a written smoking policy prohibiting smoking except in designated smoking areas that cannot be accessed by the public.	Designated smoking areas must be physically separated from nonsmoking areas by permanent floor to ceiling partitions and have a separate ventilation system discharged directly to the outdoors and moving air at 60 cubic feet per minute.	Employer may not discriminate against nonsmoker for assisting in enforcement of smoking restriction or against smoker for off-duty tobacco use.	Signs must be posted conspicuously in buildings where smoking is regulated. Smoking policies must be posted.	Private homes used as workplaces (except when child care), public places when not open to the public, jury rooms when all jurors consent, designated hotel and motel rooms, tobacco shops, privately chartered buses and limousines, bingo and beano games run by federally recognized Indian tribes, and off-track betting and racing simulcast parlors.

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Md.	Code of Md. Regs §09.12.23 <i>et seq.</i>	Prohibited in enclosed, indoor workplaces except in designated areas. Prohibited in all state buildings. Prohibited in public restrooms, elevators, public transportation, and meeting and waiting rooms.	Designated smoking areas must be physically separated from nonsmoking rooms, have walls, ceiling, and a closable door, and be ventilated to the outside. May not be an area where employees are required to work, except maintenance workers.		A properly secured "No Smoking" sign must be posted at each workplace entrance. Persons in control of multiple-tenant buildings may do posting for all.	Tobacco shops; bars, taverns, clubs, and lounge areas of restaurants; 40% of hotel and motel rooms; property owned by social or religious organizations holding liquor licenses.
Mass.	MA Gen. Laws Ch. 270 Sec. 22, Ch. 272 Sec. 43A, Ch. 41 Sec. 101A	Prohibited in indoor public places and indoor public and private workplaces. Prohibited in any building owned or occupied by the state. Prohibited in schools and colleges, healthcare facilities, museums and libraries, food stores, and restaurants and bars. Prohibited on public elevators.		City of Boston prohibits employers from requiring employees not to smoke outside of work or discriminating against smokers. The state does not have such a law.	Owners or employers must post conspicuous no-smoking signs at each entrance of a building where smoking is prohibited, and inside, they must post "smoking allowed," and "no smoking" signs appropriately.	Soldiers' homes, state-operated substance abuse treatment centers, and residential rooms in nursing homes are exempt from the law.
Mich.	Mich. Comp. Laws Ann. §333.12601 <i>et seq.</i>	Prohibited in public sector workplaces; state government buildings (except in designated areas), garages, and vehicles; food stores; theaters and auditoriums; common areas of healthcare facilities and nursing homes; public and private schools and grounds; childcare facilities. Must be a written policy for separation of smokers and nonsmokers Smoking policies are a mandatory subject of bargaining under the Michigan Employment Relations Act.	Existing barriers and ventilation must be used to minimize toxic effects in adjacent areas. At least half of any single-room work area must be designated nonsmoking, with seating arranged to create smoke-free area.		Signs to be posted stating that smoking in public places is prohibited except in designated areas.	Most private-sector workplaces; restaurants and bars; casinos, private enclosed offices occupied exclusively by smokers, living areas in state prisons and mental health facilities, rooms or buildings used for private functions under the control of a private sponsor.
Minn.	Minn. Stat. Ann. §144.414 <i>et seq.</i> , §181.938	Restricted to designated smoking areas in public places including public and private sector workplaces, healthcare facilities, retail stores, and commercial establishments. Prohibited in elevators and restrooms. Prohibited on public transportation.	Ventilation in designated smoking areas must direct smoke away from nonsmoking areas and directly outdoors. Smoking not allowed if ventilation system not working properly	Employer may not discharge employee on the basis of lawful off-duty conduct, unless restriction is reasonably related to employment.	Smoking and nonsmoking areas to be posted at all entrances with appropriate signs.	Private enclosed offices occupied exclusively by smokers, designated hotel and motel rooms, residential rooms in nursing homes and veterans' homes, and private social functions at which the seating arrangements are not under the control of the proprietor.
Miss.	Miss. Code, §71-7-33	Not regulated in private workplaces, including restaurants. Prohibited in schools and on school grounds. Restricted in state office buildings to designated smoking areas and private offices.		Employers may not require that employees or applicant refrain from tobacco during off work hours, provided employee complies with workplace policy.	Appropriate "Smoking" or "No Smoking" signs must be conspicuously posted.	

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Mo.	Mo. Rev. Stat. Clean Indoor Air Act, §191.765 <i>et seq.</i> , §290.145	Restricted to designated smoking areas in enclosed public places, including public and private-sector workplaces, commercial establishments, healthcare facilities, and restaurants seating 50 or more people. Prohibited in buildings owned or operated by the state, public conveyances, restrooms and elevators, schools and school buses, and daycare and child care facilities.	Existing barriers and ventilation must be used and seating arranged to isolate designated smoking areas. No more than 30 percent of an entire space may be designated as a smoking area in any public place.	Employers may not discriminate on the basis of off-duty tobacco or alcohol use unless it interferes with the employee's performance or employer's business.	Smoking and nonsmoking areas to be posted with appropriate, unobscured signs at all entrances.	Tobacco stores; limousines and taxicabs if driver and all passengers agree to smoking; restaurants seating fewer than 50 people; bars and taverns where not more than 10 percent of gross sales is from food; bowling alleys and billiard parlors. Residential rooms in dormitories on state campuses.
Mont.	Mont. Code Ann. Clean Indoor Air Act, §50-40-101 <i>et seq.</i> , §39-2-313	Prohibited in all enclosed public places, including public and private workplaces, stores and restaurants, and state-owned vehicles.		Employers may not discriminate on the basis of off-duty use of lawful product unless restriction is reasonably related to the job.	Nonsmoking areas to be posted with appropriate signs.	Bars with 60% of revenue from liquor sales that do not permit patrons under age 18 and 35% of hotel and motel rooms. Taverns and casinos are exempt until October 1, 2009.
Neb.	Neb. Rev. Stat. Clean Indoor Air Act, §71-5701 <i>et seq.</i>	Restricted to designated smoking areas in public places and places of work (with two individuals in an employment relationship), including offices and meeting rooms; retail stores and other commercial establishments; educational, child care, and daycare facilities; hospitals and nursing homes; restaurants and bars; libraries; auditoriums and arenas, and at meetings open to the public. Prohibited in elevators, public hallways, and on public transportation.	Area must be proportionate to number of smokers. Existing barriers, rearranged seating, and ventilation must be used to minimize toxic effects in nonsmoking areas.		Clearly visible "No smoking anywhere in this establishment," "No smoking except in designated areas," or "Smoking permitted throughout business" signs with letters at least 1 inch high or the international No Smoking symbol must be posted at all entrances used by the public.	Private offices occupied solely by smokers, private social functions where seating is not under control of proprietor, bars of less than 1,200 square feet, and state veterans' homes.
Nev.	Nev. Rev. Stat. §202.249 <i>et seq.</i>	Prohibited in indoor public places and all public and private places of employment, government buildings, state college campuses, schools and school property, child care facilities, grocery stores and convenience stores, retail stores and malls, theaters and arcades, indoor restaurants and their kitchens, and indoor bars that serve food.		Employers may not discriminate on the basis of lawful off-duty activity unless it interferes with the employee's performance or the safety of other employees.	Smoking areas to be posted with appropriate and conspicuous signs.	Casino gaming floors; hotel and motel rooms; bars, saloons, and taverns not serving food; brothels and strip clubs; and retail tobacco stores.
N.H.	N.H. Rev. Stat. §155.64 <i>et seq.</i> , §275:37-a	Restricted to designated smoking areas in enclosed workplaces with 4 or more workers and places of public access, including state government buildings. If segregation of designated smoking areas is not possible, smoking must be prohibited. Smoking is prohibited in educational and child care facilities. Must be a written policy, orientation re smoking, for all employees.	Must be separated by a continuous physical barrier such as a wall or partition. At least 4 feet of space must separate smoking and nonsmoking areas. Special considerations when individuals in a facility have medically documented conditions adverse to tobacco smoke.	Employer may not require abstinence from tobacco outside the workplace or retaliate or discriminate against an employee who exercises rights under the smoking law.	Signs must be appropriately placed to indicate smoking restrictions and designated smoking areas.	Chartered vehicles, private social clubs and gatherings, restaurants seating fewer than 50 people, posted hotel and motel rooms, private rooms in college dormitories and residential facilities in prisons, nursing homes, mental health, and drug and alcohol rehab centers.
N.J.	N.J. Stat. Ann. Ch. 184 §26:3D-23 <i>et seq.</i> , §34:6B-1 <i>et seq.</i>	Smoking prohibited in all public or private workplaces with any employees. Smoking prohibited in elevators, stairwells, lobbies and public rooms, and parking areas used by the public.		Employers may not discriminate against applicants or employees because they do or do not smoke.		Private homes and vehicles, tobacco stores and cigar bars, and gaming areas of casinos and simulcast facilities.

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N.M.	N.M. Stat. Ann. §24-16-1 <i>et seq.</i> , §50-11-1.	Smoking restricted to designated smoking areas in public places, including workplaces with one or more employees.	Existing barriers and ventilation must be used to minimize toxic effects in nonsmoking areas, with seating and workspaces arranged to provide smoke-free areas.	Employer may not fire or discriminate on the basis of tobacco use, provided employees comply with applicable laws and workplace policies.	Employers must post "No smoking except in designated areas" signs in conspicuous places.	Fully enclosed offices occupied exclusively by smokers.
N.Y.	New York Public Health Law Art. 13-E, §1399-n <i>et seq.</i>	Prohibits smoking in all enclosed public indoor spaces and workplaces, on public transportation vehicles, and in boarding and waiting areas. Businesses with any employees, schools and colleges, commercial establishments (including bars and restaurants), nonresidential healthcare facilities, and educational facilities are included. Businesses may not offer separated designated smoking areas.	Areas designated for employees to smoke outdoors must be located away from routes for entering facilities or restrooms.	Employer may not refuse to hire or license, discipline, discharge, or otherwise discriminate on the basis of off-duty use of lawful products. Employers may distinguish among employees in offering health, disability, and life insurance based on use of tobacco products.	Smoking policy to be posted and copy to be provided to employee on request.	Private hotel rooms, private rooms of residential healthcare and mental health facilities, designated rooms in adult daycare facilities, membership associations without paid employees, tobacco stores, cigar bars, outdoor, uncovered dining areas of restaurants, and tobacco sampling event facilities.
N.C.	N.C. Gen. Stat., art. 64, §143-595 <i>et seq.</i> , art. 3, Ch. 95, §95-28.2	Limited to designated areas in public places and in public workplaces including buildings owned, leased, or occupied by the state government; hospitals, nursing homes, and state-controlled mental health facilities; public schools including community colleges; and daycare centers. Prohibited in elevators, libraries, and museums.	Where a no-smoking area is designated, existing barrier and ventilation systems should be used.	Employers may not discriminate on the basis of off-duty use of lawful products if such use does not affect the employee's performance or the safety of others.	Persons in charge of buildings must post signs designated smoking or no-smoking areas appropriately.	Bars, bowling alleys, factories, warehouses, hotel rooms, and private, enclosed offices occupied only by smokers are exempt from the law.
N.D.	N.D. Cen. Code §23-12-09 <i>et seq.</i> , §14.02.4-01, Exec. Order No. 1990-2	Prohibited in public places and indoor places of employment; restaurants; malls and stores; theaters and bingo halls; common areas of hotels and motels; coin laundries; and livestock auctions.		Public and private employers may not discriminate on the basis of lawful activity during nonwork hours.	"No smoking" signs must be posted wherever areas are designated.	Outdoor areas of employment, nonpublic areas of employer-owned and operated businesses, bars, truck stops, designated rooms in hotels and motels, areas of bowling alleys where food is not sold, private functions not open to the public, including religious ceremonies of Native Americans.
Ohio	Ohio Rev. Code Ann. §3791.04 <i>et seq.</i> , §2917.41	Prohibited in public places and public and private places of employment. Prohibited in child care centers and private homes when used for child care.			No smoking signs must be posted at entrances to all facilities regulated by law.	Designated smoking rooms in hotels, motels, nursing homes, retail tobacco stores, outdoor patios away from entrances and windows, private clubs with no employees, and family-owned businesses where all employees are related to owner.

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Okla.	OK Stats. §21-1247, §63-1-1521 <i>et. seq.</i> , §40-500 <i>et seq.</i>	Public places and workplaces and within 25 feet of entrances; public transportation; school, child care, or daycare facilities during operation; public areas of healthcare facilities and nursing homes.	Smoking area must be located away from work areas. Existing barriers and ventilation must be used to minimize smoke in smoking and nonsmoking areas. Air must be exhausted beyond 15 feet of any entrance or air intake.	Employer may not discriminate on the basis of off-duty tobacco use unless it is a bona fide occupational requirement or part of a collective bargaining agreement.	Smoking and nonsmoking areas to be posted with appropriate signs. Decals for entrances available through Oklahoma Department of Health offices.	Workplaces in private residences except when used for child care or daycare; stand-alone bars and taverns; cigar bars; 25% of hotel and motel rooms; residential rooms in nursing homes, assisted living facilities, and veterans' homes; and gaming and wagering facilities.
Ore.	Ore. Rev. Stat. §433.835 <i>et seq.</i>	Employers are responsible for implementing law keeping workplace free of tobacco smoke and communicating restriction to both employees and nonemployees. Smoking is prohibited on all Oregon school properties.	Smoking-permitted lounges must be away from work areas, have air ventilated to outside and not recirculated, and not allow minors.	Employer may not discriminate on the basis of off-duty tobacco use, unless abstinence is a bona fide occupational qualification or part of collective bargaining agreement.	"No Smoking" signs must be posted at each entrance to workplace in appropriate languages.	Retail tobacco businesses; restaurants, bars, and taverns posted as off-limits to minors by the Oregon Liquor Control Commission; bingo halls; bowling alleys; and hotel or motel rooms designated as smoking-permitted.
Pa.	Pa. Stat. Ann. tit. 35 §1230 <i>et seq.</i>	Prohibited in enclosed indoor public areas, including public and private workplaces, except in designated areas. Prohibited within 50 feet of schools. Restaurants serving 75+ must provide smoking and nonsmoking areas.	Designated smoking areas are permitted only if there are equal and sufficient facilities for nonsmokers.		Conspicuous signs indicating where smoking is prohibited and permitted at entrances. Workplace smoking policy must be posted.	Designated hotel and motel rooms, warehouses and factories not visited by public, private clubs, private social functions under control of sponsor, tobacco shops.
P.R.	PR ST tit. 24 §892	Prohibited in public buildings, schools and child care centers, healthcare facilities, recreational facilities and theaters, elevators, service stations; facilities that sell food, including restaurants and bars; and casinos.	Existing ventilation permitted if adequate. Must contain fire extinguisher.		Areas where smoking is prohibited must be posted and refer to the Act to Regulate Smoking in Certain Public and Private Places. Written workplace policies must be posted.	Bars, designated sections of restaurants, designated rooms in hotels and motels, prisons, and mental health facilities.
R.I.	R.I. Gen. Laws §23-20-7-7 <i>et seq.</i>	Smoking prohibited in enclosed public and places of employment without exception, including government buildings, offices, schools, healthcare facilities, child care and adult daycare facilities, common areas of residential retirement homes and nursing homes, public transportation vehicles and terminals, restaurants and bars, retail stores and shopping malls, theaters and sports arenas (including outdoor stadiums), and enclosed parking facilities.	An employer may designate an outdoor smoking area at least 50 feet from buildings and away from air intake vents.	Employers may not refuse to hire, discharge, or discriminate against an employee because he or she smokes or uses tobacco products outside of work. Nonprofit organizations that exist to fight the use of tobacco products are excluded.	Covered places of employment must post conspicuous signs near eye level at entrances clearly stating: "It Is Illegal to Smoke in This Establishment. To report a violation, call 401-222-3293." Employers must post a written smoking policy.	Hotel and motel rooms designated as smoking-permitted, residential rooms and designated areas in nursing homes, facilities owned by private membership corporations, tobacco stores, smoking bars, and pari-mutuel and video lottery facilities.
S.C.	S.C. Ann. Code, §44-95-10 <i>et seq.</i> , §41-1-85	Prohibited in state government buildings, except in enclosed private offices and legally designated smoking areas. Prohibited in public schools, preschools, and childcare facilities, and on school buses.	Existing barriers and ventilation must be used to attempt to keep smoke from impinging on nonsmoking areas.	Employers may not make the use of tobacco products outside the workplace the basis of any personnel action.	Smoking and nonsmoking areas to be posted with appropriate signs.	Enclosed private offices and teacher's lounges in public schools.

State	Statute	Policy and Type of Workplace Regulated	Requirements for Smoking or Nonsmoking Area	Nondiscrimination Law	Notice Posting Requirement	Exceptions to Policy
S.D.	S.D. Codified Laws Ann. §22-36-2, §60-4-14, Exec. Order 92-10	Prohibited in enclosed indoor places and all workplaces. Prohibited in all state facilities, grounds, and vehicles.		Employer may not discriminate on the basis of off-duty tobacco use unless abstinence is reasonably related to employment activities.		Tobacco and liquor stores, designated hotel and motel rooms, businesses with a gaming license.
Tenn.	TN Code §39-17-1604 <i>et seq.</i> , §39-17-1551, §50-1-304	Prohibited in all buildings owned and operated by the state and in state parks. Not regulated in the private sector except in healthcare facilities, excluding nursing homes, and schools and daycare facilities where it is confined to designated smoking rooms.	If indoors, a designated smoking area must be separate from a no-smoking area, must be enclosed, and may not include more than 25 percent of a building.	Employer may not discriminate on the basis of off-duty tobacco use, provided employee complies with workplace policies during work time.	"No smoking" signs or signs with the international no-smoking symbol must be conspicuously posted at entrances and throughout the area wherever smoking is regulated.	Designated hotel and motel rooms and designated hotel rooms in state parks are exempt. State correctional facilities are exempt until July 1, 2007.
Texas	TX Penal Code Sec. 48.01	Smoking restricted to designated smoking areas in public places, schools, and healthcare facilities and on public transportation.			Notices of sufficient size must be posted wherever smoking is prohibited.	
Utah	Utah Code Ann. §26-38-1 <i>et seq.</i>	Prohibited in enclosed indoor public places, including any workplace to which the public has access, except in designated areas. Prohibited absolutely in buildings owned, leased, or occupied by the state or any state agency. Nonpublic access workplaces, private or public, must have a written smoking policy that prohibits smoking entirely, restricts it to enclosed smoking areas, or permits smoking in unenclosed areas if the layout prevents smoking drifting and 3/4 of employees agree by secret ballot (if under 10 employees, need not be in writing).	Smoking areas must prohibit public access and be separately enclosed with a mechanical exhaust system and negative air pressure to prevent air from moving to nonsmoking areas. Existing physical barriers and ventilation systems may be used. Outdoor smoking areas must be 25 feet from building entrances.	Employers may not discriminate against an employee who expresses concern about workplace smoke pollution.	The employer's smoking policy must be posted in a well-traveled area of the workplace. Employers must post "smoking permitted" and "no smoking" signs at entrances advising individuals of the appropriate designated areas.	Designated smoking areas, private clubs, private residence used as a workplace, nonpublic workplaces, rooms or halls used for private social functions; guest rooms in lodging facilities, taverns, smoking areas of airport passenger terminals.
Vt.	Vt. Stat. Ann. tit. 18 §1421 <i>et seq.</i> and tit. 18 §1741 <i>et seq.</i>	Prohibited in common areas in enclosed places of public access including all workplaces, public and private, restaurants and bars, retail and grocery stores, and publicly owned buildings and offices. Written workplace smoking policy (if fewer than 10 employees, need not be in writing).	Smoking areas must be vented directly outside. Free-standing air purifiers not a substitution for mechanical ventilation. 30% limit on smoking areas. Restrooms may not be designated as smoking areas unless there are separate facilities for smokers and nonsmokers.	Employers may not discriminate against an employee who assists in supervision or enforcement of these laws.	Smoking policy and summary of state law to be posted. "No smoking" signs at entrances.	Businesses with cabaret licenses, buildings owned by social, fraternal, or religious organizations.
Va.	Va. Code §15-2-28011 <i>et seq.</i> ; Executive Order 41 (2006)	Prohibited in offices, buildings, and vehicles of the state administrative branch and agencies, including state colleges. Law prohibits smoking in public elevators and restrooms; schools and school buses; daycare centers. Smoking is regulated to designated areas in public and private workplaces, educational facilities, healthcare facilities, and retail establishments of over 15,000 square feet. Person controlling building responsible for designating and posting smoking-permitted areas, which must be large enough to accommodate smokers.		Government employer may not discriminate on the basis of off-duty tobacco use except with police officers, firefighters, and emergency response personnel. There is no provision for private employers.	Building owners where smoking is regulated by a local ordinance must post smoking and no-smoking signs in conspicuous view throughout facility. Restaurants and retail establishments must post signs at each public entrance.	Private meeting rooms and offices, manufacturing facilities, warehouses, bars and restaurant lounges, designated room in hotels and motels, tobacco stores, and facilities of the state Department of Corrections, state mental hospitals, and mental health units at state hospitals.

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State	Statute	Policy and Type of Workplace Regulated	Requirements for Smoking or Nonsmoking Area	Nondiscrimination Law	Notice Posting Requirement	Exceptions to Policy
Wash.	WA Rev. Code §70.160.010 <i>et seq.</i> ; WA Admin. Code §296-62-1200 <i>et seq.</i> , WA Rev. Code §28A.21.310	Prohibited in any public place or vehicle and places of employment. Prohibited within 25 feet of entrances, exits, operable windows, and air intake vents of covered buildings.			Conspicuous "No Smoking" signs must be posted at each entrance to public building or workplace and throughout building in retail stores and service establishments.	Outdoor workplaces more than 25 feet from buildings covered under law, private residences when not used for child care or adult care, tribal casinos and lands.
W.Va.	Policy DOP-P1; W. Va. Code §21-3-19 <i>et seq.</i> ; Dept. of Admin. Legis. Rules §148-7-1 <i>et seq.</i> , Personnel Rules §4.04(b)	Prohibited in public buildings, offices, or other space owned or leased by the state, including government workplaces, hospitals, group homes, juvenile facilities, and prisons. Prohibited in schools and daycare centers. Law does not regulate private sector workplaces.	Outdoor smoking areas do not have to be identified or maintained by employers.	Public and private employers may not discriminate against or penalize any applicant or employee for their use of tobacco outside the workplace.	Smoking policy to be posted in waiting rooms and reception areas. Smoking and nonsmoking areas to be posted with appropriate signs.	Smoking is permitted in private offices where no other employee or member of the public is at risk of exposure to tobacco smoke.
Wis.	Wis. Stat. Ann. §101.123(1)-(9), §111.31(1)-(3)	Prohibited in public and private workplaces except in designated areas.	Existing physical barriers and ventilation systems should be used to prevent exposure in nonsmoking areas. New construction not required.	Employer may not discriminate on the basis of employee's off-duty use of lawful products.	Smoking and nonsmoking areas to be posted with appropriate signs.	Areas of a facility used principally for manufacturing or assembly, rooms in which the main occupants are smokers.
Wyo.	Wyo. Stat. §27-9-105 <i>et seq.</i>	Prohibited in state prisons. Regulated in state capitol buildings.		Employer may not discriminate for off-duty tobacco use unless there is a bona fide occupational qualification. Employers may offer insurance differing in type or price of coverage based on use of tobacco.		