



STATE OF NEW HAMPSHIRE  
DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF PUBLIC HEALTH SERVICES



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## **RSA 155:64-77 - The Indoor Smoking Act-Amended**

### Answers to Frequently Asked Questions

#### **Effective Date, September 17, 2007**

These FAQ's are based on the amended Indoor Smoking Act (ISA) that takes effect September 17, 2007. The Department of Health and Human Services, Division of Public Health Services, Tobacco Prevention and Control Program (TPCP) is currently revising the administrative rules for restricting indoor smoking based on the amended ISA. Current administrative rules apply until the revised rules are in place.

#### **Why amend the Indoor Smoking Act?**

New Hampshire lawmakers passed an amended version of the NH Indoor Smoking Act in June 2007, Senate Bill 42, <http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XII-155.htm> to further protect the public and employees by reducing their exposure to secondhand smoke. The amended ISA creates safer and healthier indoor environments. The amendment mandates that smoking is prohibited in restaurants, cocktail lounges, and enclosed places owned and operated by social, fraternal, or religious organizations when open to the general public. Purposes for which such places may be open to the general public may include, but not limited to, public meetings, voting, suppers, bingo games, theatrical events, fairs, and bazaars.

#### **Are businesses other than restaurants and bars required to be smoke-free?**

Yes. The ISA prohibits smoking in a number of facilities, including public educational facilities, at any time, licensed child day care, licensed under RSA 170-E during the hours of operation (except foster family homes and foster family group homes), health care facilities, public conveyances, and grocery stores by customers. Smoking may be permitted in enclosed places of public access and publicly owned buildings, and offices including workplaces in effectively segregated smoking permitted areas designated by the person in charge. If smoking cannot be effectively segregated in any such enclosed place, then smoking shall be totally prohibited.

#### **Are facilities required to have a smoking policy?**

All facilities are required to have a written smoking policy. In addition, this policy must be disclosed to all employees and have a means of enforcement within the business.

#### **How dangerous is secondhand smoke?**

Secondhand smoke has been proven to cause lung cancer and heart disease, and has been linked to asthma, other serious respiratory problems, and Sudden Infant Death Syndrome (SIDS). Secondhand smoke contains more than 4,000 chemicals, over 60 of which are known to cause cancer, according to the *Journal of the American Medical Association*. Additionally, in 2006, the Surgeon General released *The Health Consequences of Involuntary Exposure to Tobacco Smoke*.

**How can I file a complaint?**

In order to take action on a complaint, TPCP must receive a completed Indoor Smoking Act Complaint Form. This can be obtained by calling 1-800-852-3345 X-8949 or from the website at [www.dhhs.state.nh.us/DHHS/ATOD/isa.htm](http://www.dhhs.state.nh.us/DHHS/ATOD/isa.htm).

**What happens once I file a complaint?**

According to the ISA, you must first make your complaint to the person in charge of the facility. If this person is not willing to work with you on the issue, then submit an Indoor Smoking Act Complaint Form to the Tobacco Prevention and Control Program, 29 Hazen Drive, Concord, NH 03301 or by fax to (603) 271-5318. Upon receiving a completed form, TPCP contacts the person in charge by phone to discuss the complaint (your name is confidential throughout this process). A follow up letter is sent to the person in charge of the facility requesting specific information about the facility and the smoking policy. The person in charge must respond in writing to TPCP within the timeframe designated in the administrative rule. At that time, TPCP decides whether an on-site inspection is necessary to determine compliance with the ISA. Once the investigation is concluded, a letter of compliance or non-compliance is issued to the facility and the complainant receives a copy.

**What are the penalties of not complying with the ISA?**

Upon investigation of a complaint and finding of non-compliance, the Department shall issue the person in charge a violation of not less than \$100, through the adjudicative process outlined in the administrative rules. The person in charge may request a hearing of the Administrative Appeals Unit (AAU) to appeal this violation.

**What should a restaurant or bar owner, manager, or employee do if a customer smokes inside their establishment?**

Politely inform the individual that the ISA prohibits smoking in restaurants and bars. Emphasize that it is the establishment's responsibility to comply with the ISA, otherwise the establishment or person in charge can be fined. If the violation continues, contact the local law enforcement authorities.

**Are businesses required to post no smoking signs?**

Yes

**What materials are available to restaurants and bars to educate employees and patrons about the ISA?**

Please call the NH Tobacco Prevention and Control Program 1-603-271-6891.

**How can I get more information about the ISA?**

Please call the NH Tobacco Prevention and Control Program 1-603-271-6891.

**Where can I get more information about quitting?**

For free help quitting, call 1-800-Try-To-STOP (1-800-879-8678).