Welcome!

Thank you for requesting and reviewing these materials to help make your workplace smokefree! As you start this process, it is likely that you have many questions. This Smokefree Alaska Business Packet will help answer these questions and guide you through the process of implementing the Smokefree Alaska Law at your workplace.

What is the Smokefree Alaska Law?

On October 1, 2018, the Smokefree Alaska
Law replaces the current smoking law with a
comprehensive, statewide law and protects all Alaska
workers, residents and visitors from the well-known
health harms of secondhand smoke. The Smokefree
Alaska Law prohibits smoking and vaping in all
workplaces and public spaces, such as office
buildings and offices, hotels/motels,
restaurants, bars, health care facilities,
entertainment venues/sports arenas, and buses,
ferries, taxis or any other vehicle used for public
transportation. Vaping includes e-cigarettes, vape
pens/personal vaporizers and e-hookah (i.e. vaping
devices - with or without nicotine). Your local
smokefree law may contain stronger protections.

Who should use this packet?

It can be used by any worksite in Alaska that begins implementing the Smokefree Alaska Law. This information is relevant for all types of businesses and will inform business owners and managers how to comply with the law and how to create a safe, healthy environment that enhances employee and customer well-being.

• How do I use the information provided?

There are step-by-step instructions on how to implement the Smokefree Alaska Law. You can follow the packet in its entirety or skip around to the sections that most pertain to you and your worksite. Even if your worksite is already smokefree, these tools will ensure that you are in compliance with the new, comprehensive law that prohibits the exposure to secondhand

- smoke, including electronic cigarettes, in company buildings, on company grounds, and in company-owned vehicles.
- What is included? The Smokefree Alaska
 Business Packets will be distributed to
 businesses throughout Alaska and include the following resources:
 - Compliance Checklist for all business owners and managers
 - 2. Frequently Asked Questions (FAQs)
 - 3. Notice to Employees
 - 4. Steps for Addressing Smoking Within Your Establishment overview
 - Ready to Live a Smokefree Life? Cessation resources list

We hope to provide all the tools you will need to make your workplace smokefree. It is important to be prepared for handling questions and concerns you may receive, particularly from those who smoke. The goal is to equip all Alaska business owners and managers with the most efficient and valuable assistance needed to ensure they can create safe, healthy environments. For additional information and assistance with any of the materials, please visit **smokefree.alaska.gov.**

This packet was a collaborative product brought to you by the Smokefree Alaska Law Implementation Team, composed of the following agencies: the American Lung Association, American Cancer Society — Cancer Action Network, Americans for Nonsmokers' Rights, the Alaska Native Tribal Health Consortium, American Heart Association and the State of Alaska Tobacco Prevention and Control Program.



COMPLIANCE CHECKLIST

The new Smokefree Alaska Law goes into effect on October 1, 2018, and will prohibit smoking and vaping in all Alaska workplaces and public places. Help your business count down to smokefree air.

Before October 1, 2018

Learn about the Smokefree Alaska Law and how it affects your business

Carefully review all the information in your Smokefree Alaska Business Packet, and visit **smokefree.alaska.gov** for updates. Understand what the law requires and ensure those provisions are implemented. The new statewide smokefree indoor workplace law will not require expenditures on the part of affected businesses to comply.

Discuss the law with your employees, contractors, volunteers and visitors

As of October 1, 2018, smoking/vaping is not allowed in places of employment. "Places of employment" means work areas, private offices, hotel and motel rooms, warehouses, employee lounges, restrooms, conference rooms, classrooms, cafeterias, hallways, vehicles and other employee work areas that are under the control of an employer.

Remove all ashtrays and other smoking receptacles

Smoking outside of your establishment is not allowed within 20 feet of any entrance/exit, windows or air intake systems, or 10 feet if your business is a bar or restaurant that serves alcoholic beverages. Although outdoor designated smoking areas are not recommended, they are allowed as long as they are within the regulated distances.

Visit **smokefree.alaska.gov** to review requirements and ensure that your designated smoking area(s) meet those requirements.

Train your employees to implement the law

Train staff on the new requirements and how to deal with customers who want to smoke. Practice scenarios with your staff so they feel comfortable talking to customers. For example: "All workplaces and public spaces in Alaska are now smokefree, you'll have to put out your cigarette or please take it outside." Another example is: "The new Smokefree Alaska Law prohibits smoking/vaping indoors. Thank you for your cooperation." Please remind employees to use common sense. If necessary, use your normal protocol for removing disruptive customers from your premises.

Print/hang required signs, both indoors and outdoors, and educational materials

Posting signs before the effective date of the new law will help make the transition to smokefree air smooth for both employees and patrons. Post the required "no smoking or vaping" signs in plain view at all entrances to your business.

Signage

The Smokefree Alaska Law allows for a variety of messaging for signs, including "Smoking Prohibited by Law—Fine \$50" and more. Please visit **smokefree.alaska.gov** to view sign requirements and print additional materials as they become available.

On and after October 1, 2018

Make sure all education materials have been distributed to your staff

This Smokefree Alaska Business Packet contains educational materials to share with your visitors and employees, such as pay stub inserts. If your business needs additional signage or has specific needs, please visit **smokefree.alaska.gov** for more information and resources.

Kindly ask individuals smoking or vaping on the premises to stop and to step outside

Compliance with the law is the responsibility of the owner, manager or other person in charge of the business, organization and/or building. Remember, businesses must prohibit smoking and vaping in all places of employment, including prohibiting smoking in employee lounges, restrooms, conference rooms, classrooms, hallways and work vehicles. Please see the Steps for Addressing Smoking Within Your Establishment document in this packet. If businesses fail to comply with the new law, employees or members of the public may file a complaint with the State of Alaska and you may be issued warnings, fines or violations.

Provide cessation resources to staff who have voiced a desire to quit

Support and encourage staff members who have discussed wanting to quit tobacco use. Educate them about resources, including the State of Alaska's FREE cessation support for all Alaskans through Alaska's Tobacco Quit Line. Interested people can call **1-800-QUIT-NOW** or visit **alaskaquitline.com** to connect with a quit coach and receive support to start their quit attempt. As a business owner, consider offering additional wellness resources and cessation options, and share the Cessation Resources document found in this business packet.

Celebrate the successful transition to healthy air!

Enjoy the ongoing cost savings from employee wellness and reduced maintenance!



Frequently Asked Questions

General:

Q: What is the Smokefree Alaska Law?

A: The Smokefree Alaska Law (AS 18.35.300 – 18.35.399) is a state law that prohibits smoking and vaping in workplaces and public places, protecting the health of all Alaska workers, residents and visitors. The Alaska Legislature passed the law during the 2017-2018 regular legislative session, with an effective date of October 1, 2018.

Smoking and vaping devices include e-cigarettes, vape pens/personal vaporizers and e-hookah, whether or not the device contains nicotine.

Q: Why do we need a smokefree workplace law? (

A: The Smokefree Alaska Law protects the health of all Alaskans by reducing exposure to secondhand smoke. Nonsmokers who are exposed to secondhand smoke at work are more likely to develop heart disease, lung cancer or other diseases.

Q: Where is smoking and vaping not allowed indoors?

A: Under the Smokefree Alaska Law, smoking and vaping is not allowed in the following:

- All places of employment including vehicles
- Office buildings and offices
- Hotels and motels
- · Restaurants and bars
- Retail stores and shopping centers
- Common areas in an apartment building or multiple-family dwelling
- Public or private educational facilities
- · Places of government or public assembly
- Public transportation facilities including bus shelters, airport terminals and transit depots

- Health care facilities, including residential units in health care facilities
- In buildings or homes used to provide paid child care, whether or not children are present in the building, or in buildings or residences that provide care for adults on a fee-for-service basis
- Vessels operating as a shore-based fisheries business
- Entertainment venues or sports arenas
- Buses, ferries, taxis or other vehicles used for public transportation

Q: Where is smoking and vaping not allowed outdoors?

A: Under the Smokefree Alaska Law, smoking and vaping is not allowed in the following outdoor areas:

- Within 20 feet of an entrance, open window, or heating or ventilation system air intake vent at an enclosed area at a place where smoking is prohibited
- Within a reasonable distance, as determined by the owner or operator, in the case of a vessel operating as a shore-based fisheries business or a long-term health care facility
- A seating area for an outdoor arena, stadium or amphitheater
- At a place of employment or health care facility that has declared the entire campus smokefree or outside grounds or property to be smokefree
- Within 10 feet of an entrance to a bar or restaurant that serves alcoholic beverages
- Within 10 feet of playground equipment located at a public or private school, or at a state or municipal park while children are present

Q: Where can I smoke and vape?

A: Smoking is allowed in private residences and vehicles. Unless prohibited by a business owner/ operator, smoking is permitted in a business vehicle used exclusively by only one person, on vessels engaged in commercial or sport charter fishing, private clubs under circumstances defined in the law, some stand-alone shelters, at retail tobacco or e-cigarette stores under circumstances defined in the law, and other outdoor areas specifically identified as allowing smoking.

Q: Does the Smokefree Alaska Law include marijuana?

A: Yes. The definition of smoking in the Smokefree Alaska Law includes marijuana smoking.

However, the Smokefree Alaska Law defers authority for on-site consumption, in licensed marijuana retailers, to the Alaska Marijuana Control Board. Rulemaking is currently under development for onsite consumption. There are additional restrictions that prohibit the use of marijuana in public places, as guided under AS 17.38.040.

Q: Are taxis and other ride hailing businesses affected by the Smokefree Alaska Law?

A: Yes. Under the Smokefree Alaska Law vehicles used to provide paid transportation are considered places of employment. Many familiar ride hailing companies already have their own smokefree policy that drivers are required to follow.

Q: Are fishing boats covered under this law?

A: Smoking is prohibited on vessels operating as shore-based fisheries businesses. Smoking is allowed on commercial or sport charter fishing boats, while the vessel is fishing, unless prohibited by the owner or operator.

For Individuals:

Q: As a patron or employee, how do I comply with the policy?

A: Do not smoke or vape where it is not allowed.

O: What is secondhand smoke?

- **A:** 1. Smoke from burning cigarettes, cigars, pipes, smoke exhaled by the person smoking, and smoke from use of tobacco, marijuana or other plant product intended for inhalation.
 - 2. Exhaled aerosol or vapor from electronic smoking devices such as e-cigarettes, vape pens/personal vaporizers and e-hookah.

Q: I want to stop smoking. Are there resources to help me to quit?

A: The State of Alaska offers free cessation support to all Alaskans through Alaska's Tobacco Quit Line. Interested persons can call 1-800-QUIT-NOW (1-800-784-8669) or visit <u>alaskaquitline.com</u> to connect with a quit coach and start their quit attempt. Visit http://dhss.alaska.gov/dph/Chronic/Documents/Tobacco/SmokeFreeWorkplace/BusinessPacket.pdf to view other resources to help you quit.

Q: Are there fines or penalties for individuals who choose not to comply with the law?

A: Under the Smokefree Alaska Law, individuals who choose not to comply with the law are subject to a \$50 fine.

Q: How can I find out more information?

A: For more information about the Smokefree Alaska Law, visit smokefree.alaska.gov.

For Businesses:

Q: How does the Smokefree Alaska Law apply to my business?

A: As of October 1, 2018, smoking/vaping is not allowed in places of employment. "Place of employment" means work areas, private offices, hotel and motel rooms, employee lounges, restrooms, conference rooms, classrooms, cafeterias, hallways, vehicles and other employee work areas that are under the control of an employer.

Q: What do I have to do to comply with the law?

A: Effective October 1, 2018, smoking/vaping is not allowed at your establishment.

- Remove all indoor ashtrays or other smoking accessories
- Place signs in prominent locations in your establishment and near entrances as described in the next answer below. Signs can be requested at smokefree.alaska.gov.
- If you see customers, staff or visitors smoking, direct them to take it outside. Smoking outside of your establishment is not allowed within 20 feet of any entrance/exit, windows or air intake systems, or within 10 feet of the entrance if you are a bar or restaurant that serves alcoholic beverages.

Q: What kind of signs are required for my business?

A: Required signs inside your business must include one of the following:

- Reads "Smoking Prohibited by Law Fine \$50";
- Includes the international symbol for no smoking; OR
- Includes the words "No Puffin" with a pictorial

representation of a puffin holding a burning cigarette enclosed in a red circle crossed with a red bar.

Signs must be easily visible in places or vehicles where smoking is prohibited.

Buildings at which smoking is not allowed within a specific distance from the entrance of the building must also have signs easily visible from outside each building entrance. Signs should read:

 "Smoking within (number of feet) Feet of Entrance Prohibited by Law — Fine \$50"

Business owners can request signs at no cost, by visiting smokefree.alaska.gov.

Q: Can I provide an outdoor designated smoking area?

A: Although they are not recommended, designated smoking areas are allowed if they are located more than 10 feet away from an entrance to a bar or restaurant that serves alcoholic beverages. For other types of establishments, a designated smoking area is allowable if it's more than 20 feet away from all entrances, windows and air intakes.

Q: As a business owner, can I make my own smoking policy that has stricter requirements, such as requiring a further distance from the door or making my entire property smokefree?

A: Yes. The Smokefree Alaska Law has established minimum requirements. Business owners can post more signs, or increase the distance at which they allow smoking, so long as that number of signs/distance is greater than what the law requires. Additionally, although the law requires businesses to be smokefree on October 1, business owners are encouraged to begin the process before the effective date. To learn more about how you can transition to a smokefree workplace, visit http://dhss.alaska.gov/dph/Chronic/Documents/Tobacco/SmokeFreeWorkplace/BusinessPacket.pdf.

Q: How is the law enforced?

A: The Smokefree Alaska Law is enforced through a complaint driven system. Complaints can be filed at smokefree.alaska.gov.

Q: How can I support my employees and patrons if they wish to quit smoking?

A: The State of Alaska offers free cessation support to all Alaskans through Alaska's Tobacco Quit Line. Call 1-800-QUIT-NOW (1-800-784-8669) or visit alaskaquitline.com to connect with a quit coach and start a quit attempt. Visit http://dhss.alaska.gov/dph/Chronic/Documents/Tobacco/SmokeFreeWorkplace/BusinessPacket.pdf to view additional cessation resources.

Q: I own a business that sells tobacco. Are customers allowed to smoke (includes sampling) inside my store?

A: Under the Smokefree Alaska Law an owner or operator may allow customers to smoke at a retail tobacco store if the store meets the definition of

a "retail tobacco or e-cigarette store" AND is in a building that is freestanding.

Q: Does my business qualify as a retail tobacco or e-cigarette store?

A: Under the Smokefree Alaska Law, a retail tobacco or e-cigarette store:

- Primarily sells cigarettes, e-cigarettes, cigars, tobacco and products containing tobacco, pipes, and other smoking or e-cigarette accessories;
- · Has only incidental sales of other products;
- Makes at least 90 percent of its gross revenue from the sale of cigarettes, e-cigarettes, cigars, tobacco and products containing tobacco, pipes, and other smoking or e-cigarette accessories; AND
- Is not a tobacco or e-cigarette department in a larger business, restaurant or grocery store.

Q: Are private clubs such as Elks, Moose and American Legion affected by the Smokefree Alaska Law?

A: Yes. Under the Smokefree Alaska Law, smoking in private clubs is only allowed if the club is not licensed to serve alcohol, is not a place of employment and has been in continuous operation at the same location since January 1, 2017.

Q: What if my private club is staffed by volunteers?

A: Volunteers are considered employees under the law and require the same protection as regular employees.

Q: I own a business that sells e-cigarettes/vape products. Are customers allowed to smoke/vape (includes sampling) inside my store?

A: An owner or operator may allow customers to smoke or vape at a retail e-cigarette store if the store meets the definition of a "retail tobacco or e-cigarette store" AND meets one of the following sets of conditions:

· It is in a building that is freestanding

OR

- It has been in continuous operation at the same location since January 1, 2017;
- It is not a business that is licensed to sell alcohol at an outdoor location, a business licensed to sell pull tabs, or a retail store that is within an indoor public place or workplace including a restaurant or grocery; AND
- Smoking is limited to use of an e-cigarette.

OR

- · It is attached to another business or building;
- It is not a business that is licensed to sell alcohol at an outdoor location, a business licensed to sell pull tabs, or a retail store that is within an indoor public place or workplace including a restaurant or grocery;
- It has a separate entrance;
- It is separated from another business or building in a manner that does not allow e-cigarette vapor or aerosol to travel into the other businesses or building;
- The other business or building does not serve as a residence, child care facility, facility providing care for adults on a fee-for-service basis, school or health care facility; AND
- Smoking is limited to use of an e-cigarette.

Q: I own a bingo hall or pull tab parlor. Is my business affected by the Smokefree Alaska Law?

A: Yes, smoking is prohibited. Bingo halls and pull tab parlors are places of employment, as defined in the Smokefree Alaska Law.

Q: I have a question specific to my business, how do I get more information?

A: Visit <u>smokefree.alaska.gov</u> to ask questions about how the Smokefree Alaska Law affects specific businesses, or email <u>tobacco@alaska.gov</u>.

Disclaimer

The contents of this document are intended to convey general information only and should not be construed as, and should not be relied upon, for legal advice. An attorney should be contacted for advice on specific legal issues.



Notice to All Employees — NEW SMOKEFREE ALASKA STATE LAW (AS 18.35.301)

To protect employees and customers from the dangers of secondhand smoke and ensure a healthy workplace, all places of employment and public spaces will be smokefree, beginning October 1, 2018. In compliance with the new Smokefree Alaska Law, smoking and vaping are not permitted in any workplaces and public spaces. This includes:

- Smoke from burning cigarettes, cigars and pipes
- · Smoke exhaled by the person smoking
- Exhaled aerosol from electronic smoking devices such as e-cigarettes, vape pens/personal vaporizers and e-hookahs



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Any form of smoking or vaping is strictly prohibited in office buildings, offices, hotels/motels, restaurants, bars, retail stores, shopping centers, common areas in apartment buildings and multiple-family dwellings. Smoking is prohibited within 20 feet of any entrance/exit, window or air intake system, or within 10 feet if your business is a bar or restaurant that serves alcoholic beverages. All employees share the responsibility of adhering to and reminding others of this law. No smoking signs will be posted at all building entrances to ensure all individuals are aware of the law as they enter the workplace. If you see customers, staff or visitors smoking, please kindly ask them to take it outside. The Smokefree Alaska Law will be enforced through a complaint-driven system. Complaints can be filed here: **smokefree.alaska.gov**

READY TO QUIT? CALL 1-800-QUIT-NOW OR VISIT ALASKAQUITLINE.COM

For more information, visit smokefree.alaska.gov.

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...

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READY TO QUIT? CALL 1-800-QUIT-NOW OR VISIT ALASKAQUITLINE.COM

For more information, visit **smokefree.alaska.gov**.

Steps for Addressing Smoking Within Your Establishment

Smokefree laws that protect everyone's right to breathe clean air in workplaces and public places now cover a majority of the U.S. population. Smokefree laws are popular, easy to implement and enforce, and result in either a neutral or positive impact on businesses, including the hospitality sector.

Smokefree laws are largely self-enforced and have high compliance, improving health and saving health care dollars. While most Alaskans (80%) do not smoke and most Alaskans (75-84% of the population throughout all regions in Alaska) support statewide smokefree workplace laws (Alaska Tobacco Facts, 2017), we still need your help to ensure a successful implementation!

Please help educate employees, visitors, contractors and volunteers about the new Smokefree Alaska Law

It is important to recognize that most people want to live and work where they are free from exposure to secondhand smoke and tend to speak up if they are being exposed, especially when they know a law is in place and being violated. Let employees know there are clear and consistent enforcement procedures in place to address any problematic behavior in the workplace and they can report a suspected violation. Follow through will enhance compliance, showing employees that management takes the Smokefree Alaska Law seriously and is consistent and responsive to reported violations.

As the owner, manager or other person in charge of the business, organization and/or building, compliance is your responsibility and all employees should be trained to follow these important steps when addressing smoking within your establishment:

- 1. Smile, introduce yourself, be friendly.
- 2. Make the approach with the assumption that the person smoking does not know the new law.
- 3. Kindly ask individuals smoking or vaping if they know about the Smokefree Alaska Law.

 Allow them to answer and then politely ask if they could step outside the establishment or restricted area, if they wish to continue smoking or vaping.
- 4. Offer information about the new law and where they can smoke or vape.
 Make sure your messages show compassion

toward smokers and avoid stigmatizing them.

Frame the issue around protecting workers'
health by emphasizing that all individuals have
the right to a smokefree worksite and should not
be exposed to carcinogenic and toxic substances
on the job.

- 5. Keep calm and reassure them they can come in and out of your establishment as necessary without smoking.
- 6. Use common sense.

If necessary, use your normal protocol for managing disruptive customers and/or employees.

(Continued on back)

7. Empathize. This is really tough for some people, physically and mentally.

More people in the United States are addicted to nicotine than to any other drug. Research shows that nicotine may be as addictive as heroin, cocaine or alcohol. Quitting smoking is hard and may require several attempts. People who stop smoking often start again because of withdrawal symptoms, such as feeling irritable or anxious, and due to stress and weight gain. Many smokers quit without using treatment. You can, however, provide the Cessation Resources document within this business packet, which contains treatment options that are proven to be effective for smokers who want help to quit.

8. Only discuss penalties as a last resort.

- · Noncompliance can result in a \$50 fine.
- If businesses fail to comply with the new law, employees or members of the public may file a complaint with the State of Alaska and these businesses may be issued warnings, fines or violations.



Ready to Live a Smokefree Life?

Smoking Cessation Resources:

Alaska's Tobacco Quit Line

alaskaquitline.com

1-800-QUIT-NOW (1-800-784-8669)

- · Free phone and web coaching
- · Free text and email support
- Free nicotine replacement therapy, including patches, gum and lozenges

American Lung Association lung.org/stop-smoking/i-want-to-quit/

- Free support through 1-800-LUNGUSA
- Quitter's Circle, an online support community, available online and through a mobile app
- Freedom From Smoking, available in person and online

U.S. Department of Health and Human Services (HHS)

BeTobaccoFree.gov

- HHS website with one-stop access to tobaccorelated information
- Information on quitting tobacco use from various agencies

smokefree.gov

- Free resource, including quit coaches and quit plans supporting those trying to quit smoking or chewing tobacco
- Smokefree text messaging
- Mobile support
- Daily challenges to help prepare for situations where you can't smoke

Centers for Disease Control and Prevention

Tips From Former Smokers: cdc.gov/tobacco/campaign/tips

- Learn more about the people featured and their health conditions
- · Access quit smoking resources

Alaska Native Tribal Health Consortium's Tobacco Information Line

907-729-4343

 Learn more about resources specific to Alaska Natives and American Indians

Resources for Teens:

• smokefree.gov/smokefreetxt

Quit Smoking Apps:

- smokefree.gov/apps-quitstart
- teen.smokefree.gov
- therealcost.betobaccofree.hhs.gov/?g=t
- · smokingstinks.org/quitkit/expect.html

Tips on Quitting Smokeless Tobacco:

- nidcr.nih.gov/oralhealth/ <u>Topics/SmokelessTobacco/</u> <u>SmokelessTobaccoAGuideforQuitting.htm</u>
- cancer.org/cancer/cancercauses/tobaccocancer/ smokelesstobaccoandhowtoquit/index

