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<b>TITLE: SPECIFICATIONS FOR DESIGNATED SMOKING AREAS</b>			

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# SPECIFICATIONS FOR DESIGNATED SMOKING AREAS



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## 1.0 INTRODUCTION

The Public Health Act, 2012 (Part VI, Section 58) and the Tobacco Control Regulations, 2016 (L.I.2247), prohibits smoking in public places and work places. The objective for this law is to protect workers and the public from being exposed to the harmful effects of second-hand smoke. Second-hand tobacco smoke is a combination of the smoke from the end of a burning cigarette or other tobacco product and the smoke exhaled by the smoker.

However, managers of public places may designate an area for smoking of tobacco or tobacco product. This guideline is to provide the specifications that areas designated for smoking shall conform to and the requirements for managers of premises with designated smoking areas.

## 2.0 DEFINITION OF TERMS

In these Guidelines, unless the context otherwise states:

- a) **“Designated area”** means an area set aside for smoking in a workplace or a public place specified under section 58 (2) of the Public Health Act, 2012 (Act 851) and designed in a manner to prevent smoke from spreading to a non-smoking area.
- b) **“Indoor or enclosed”** means a space covered by a roof or enclosed by two or more walls or partition regardless of the material used for the roof, walls or partition and regardless of whether the structure is temporary or permanent.
- c) **“Outdoor” or “open”** means a space that is not “indoor” or “enclosed”

## 3.0 REQUIREMENTS FOR AREAS DESIGNATED FOR SMOKING

An area designated as a smoking area for workplace or public place shall conform to the following requirements:

- 1. Be an indoor or outdoor area, that is designed and positioned in a manner to prevent smoke from spreading to any non-smoking area; and



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2. Not be used for any other activity involving non – smokers (eg serving of food and drinks).
3. A designated outdoor smoking area shall:
  - a) not be adjacent to an entrance to the premises; or
  - b) be located in an area that does not allow smoke to seep into a nonsmoking area; and
  - c) not be adjacent to walkways and other areas where persons generally congregate or walk.
4. Where the nature of the premises does not allow for an outdoor or open area to be designated for smoking, an area for smoking may be designated within an enclosed building or space on the premises.
5. An area designated for smoking within an enclosed building or space shall
  - a) Have floor-to-ceiling walls or sides and a ceiling or roof that completely separates it from all other areas of the enclosed building or space;
  - b) Have a window that opens only to the outside and an air vent that opens directly to the outside;
  - c) Solid walls and ceiling and a closable door;
  - d) Walls tightly joining floor and ceiling;
  - e) A heating, air conditioning and ventilation system that exhausts directly to the outdoors without recirculation to nonsmoking areas; and
  - f) Not be an area that may be passed through to get to any other area of the enclosed building or space.
6. Where the requirements of sub-regulation (5) cannot be met for an area designated for smoking inside an enclosed workplace or public place, including a means of public transportation the entire indoor or enclosed public place or workplace shall be declared smoke-free.



7. The manager shall ensure that a designated smoking area
  - a. shall be clearly marked as a designated smoking area
  - b. shall be equipped with ashtrays or non-combustible receptacles for disposal of tobacco waste

#### 4.0 Prohibitions and conditions in areas designated for smoking

1. The owner or a person in charge of a public place or workplace who designates an area for smoking shall not allow:
  - a. persons under the age of 18 years shall not be allowed in a designated smoking area.
  - b. tobacco product, trademark, brand, logo, name or anything containing a tobacco product trademark, brand, logo or name;
  - c. other thing that directly or indirectly creates or is likely to create an association with or suggestion of a particular tobacco product, trademark, brand, logo, or name, in whole or part; or
  - d. tobacco and tobacco product manufacturer's name, logo or other direct or indirect association with or suggestion of a tobacco product manufacturer, importer, or wholesaler.
2. Workers should only be required to enter the smoking area for cleaning or maintenance only when smoking is not occurring in the designated smoking area.
3. Employees of a public place or workplace should not be required to sign any waiver or agreement to work in a designated smoking area.
4. The owner or a person in charge of a public place or a workplace may prohibit smoking throughout the entire indoor and outdoor premises of that public place or workplace.

## 5.0 SIGNS AT AREAS DESIGNATED FOR SMOKING

1. An owner or a person in charge of a public place or workplace who sets up an area designated for smoking shall conspicuously display signage that indicates the area as an area where smoking is permitted. The signs shall:
  - a. bear a smoking symbol on a white background which consists of a graphic representation of a single burning cigarette in black enclosed in a green circle of at least 14cm in diameter;
  - b. carry the inscription “DESIGNATED SMOKING AREA” written in black and in capital letters on a white background. The “DESIGNATED SMOKING AREA” inscription shall be at least 2cm in height and in a legible font;
  - c. carry the inscription “Smoking is harmful to your health and to the health of children, pregnant women and all others who are exposed to your smoke.” written in black in a legible font. Nothing else may appear on the sign.
2. The owner or a person in charge of a public place or workplace who designates an area for smoking shall display a no entry signage for all persons under the age of 18

**A sample of designated smoking area sign is shown below**

