



*Your Well-being, Our Priority.*

# **FOOD AND DRUGS AUTHORITY**

## **A GUIDE FOR MANAGERS ON THE PROHIBITION OF SMOKING IN PUBLIC PLACES**

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## 1 INTRODUCTION

The Public Health Act, 2012 (Part VI, Section 58) and Tobacco Control Regulations, 2016(L.I.2247) prohibits smoking in public places. The objective for this law is to protect workers and the general 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.

**This guideline is hereby promulgated for information, guidance and strict adherence by all concerned.**

### 1.1 SCOPE

The purpose of this guide is to highlight the areas that are required to be smoke-free, responsibilities for managers in enforcing the prohibition of smoking in their premises and the penalties for the smoker and managers who contravene the law.

## 2 REQUIREMENT

### ***NO SMOKING AREAS***

The following areas must be smoke-free:

All enclosed or indoor area of a work place or other public place. This includes



Offices and office buildings



Factories, health and educational institutions



Premises in which children are cared for



A means of transportation used for commercial, public or professional purposes by more than one person



Public transportation terminals



Wholesale and retail establishments including shopping malls and market



Entertainment facilities and facilities rented out for events



Sports stadia and other sports arenas, whether fully enclosed or not, and any Enclosed recreational facilities



Bars, restaurants and pools whether open or enclosed



A facility that employs personnel whether paid or not



Any other facilities accessible to the public

***AREAS IN WHICH SMOKING IS PERMITTED***

Places or areas which have been **designated only for smoking** shall comply with the specifications for designated smoking areas.

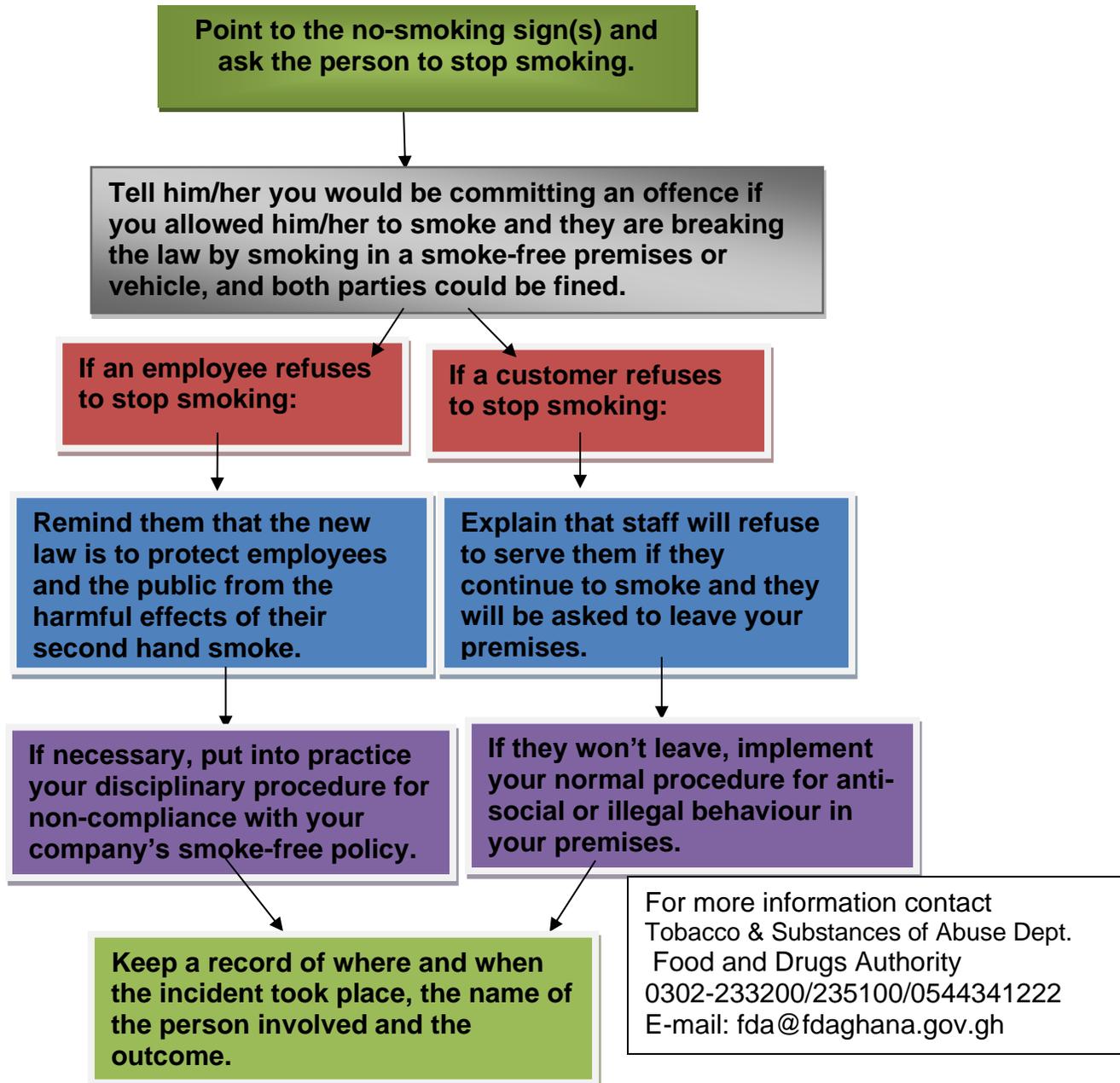
***RESPONSIBILITIES FOR MANAGERS OF PUBLIC PLACES OR WORK PLACES***

An owner or a person in charge of a public place or workplace shall:

- Post signs at the work place that clearly indicate that the establishment is a non-smoking area
- Not display an ashtray in that public place or workplace except in a designated smoking area.
- Discontinue service to a customer who is smoking in a public place or work place.
- Ask a customer or employee who smokes in a non- smoking area to stop smoking or leave the place immediately
- Issue warnings and then take appropriate disciplinary action against an employee who smokes in a non-smoking area.
- Cause the arrest of any person who refuses to stop smoking and refuses to leave the non -smoking area.
- Ensure that a person does not smoke anywhere other than in a designated area;
- Ensure that employees are not exposed to tobacco smoke and are protected from tobacco smoke in the workplace ;
- Ensure that employees who refuse to enter a designated smoking area in the workplace shall not be victimised and /or sanctioned,
- Ensure that employees do not enter an area designated for smoking at a time during which smoking activity is taking place or for any purpose including cleaning or maintenance of the area designated for smoking;
- Ensure that employees are not required or requested to sign a waiver or agreement to work in a designated smoking area.

**STEPS IN DEALING WITH SOMEONE WHO SMOKES IN A SMOKE-FREE PREMISES/VEHICLE**

If you are in charge of a smoke-free premises and/or vehicle, you will have a legal responsibility to prevent people from smoking in them. If someone smokes in any premises or vehicles you are responsible for, here are some practical steps you might take to deal with him/her.



### 3 SANCTIONS / PENALTIES

#### ***PENALTIES FOR THE SMOKER AND MANAGERS WHO CONTRAVENE THE PROHIBITION OF SMOKING IN PUBLIC PLACES***

Under the Act and the Tobacco Control Regulations, both the **SMOKER** and the **MANAGER** of a smoke-free area commits an offence and is liable to a fine specified under the Public Health Act, 2012.

### 4 APPENDIX

#### 4.1 Change History

SN	Date	Ver. No.	Description of Change (section)
1.	01/02/2013	00	Initial issue
2.	10/04/2017	01	Review to conform to tobacco control regulations 2016, (L. I. 2247)
3.	01/10/2019	02	General review of guidelines