

**North Carolina Smoke-Free Law:
Guide for Hotel and Lodging Establishment Owners**
Many such facilities are covered by the Smoke-Free Law

What is the smoke-free law?

North Carolina's new smoke-free law prohibits smoking in many public places. As of January 2, 2010, enclosed areas of bars and restaurants must be smoke-free, with few exceptions (see below). Under the new law, smoking is also not allowed in enclosed areas of lodging establishments, such as hotels, motels and inns, if the establishment prepares and serves food or drink. A lodging establishment may designate **no more than 20%** of its guest rooms as smoking rooms.

Why was the law passed?

When the N.C. General Assembly passed the new law, it included formal findings explaining that secondhand smoke, or the smoke released from the burning end of a cigarette and the smoke exhaled by the smoker, "has been proven to cause cancer, heart disease, and asthma attacks in both smokers and nonsmokers." In 2006, a report issued by the United States Surgeon General stated that the scientific evidence indicates that "there is no risk-free level of exposure to secondhand smoke." This means that breathing in even a small amount of smoke from someone else's cigarette, cigar or pipe could be harmful to you. The new law will protect people from the harm caused by secondhand smoke.

What does the law require me to do?

Beginning no later than 12:00 a.m. on January 2, 2010, a person in charge of a restaurant, bar or lodging establishment that is subject to the new smoke-free law must:

- Post the required no-smoking signs¹ in conspicuous locations,
- Remove indoor ashtrays and other smoking receptacles, and
- Direct any person who is smoking to extinguish the cigarette, cigar or other lighted tobacco item.

Even if a restaurant, bar or lodging establishment is already smoke-free, the venue still must post the required signs and remove any remaining indoor ashtrays.

How will I know if my lodging establishment is required to comply with the new smoke-free law?

The law covers any lodging establishment that (1) serves food or drink for pay, and (2) is required to comply with state public health laws related to food and drink sanitation. If a lodging establishment is unsure of its status under the smoking law, it should contact the local health department to request assistance.

Are there lodging establishments that are not required to comply with the smoke-free law?

Yes. The following lodging establishments are not required to comply with the smoking law:

- Lodging establishments that do not serve food or drink for pay.
- Lodging establishments that are exempt from the state's sanitation laws, including those that:
 - Have four or fewer lodging units,
 - Are condominiums,

¹The Commission for Public Health adopted rules in October 2009. Among other things, the rules give detailed guidance on signage. The rules were finalized on December 17, 2009. Copies of free, downloadable signs and materials are available at www.smokefree.nc.gov or can be downloaded and printed through an office supply or sign store.

- Prepare or serve food or provide lodging to regular boarders or permanent houseguests only, except if there are 13 or more regular boarders or permanent houseguests who are either (1) disabled or (2) 55 years of age or older, or
- Are private homes that occasionally offer lodging accommodations for two weeks or less to persons attending special events. It is important to remember that even if a lodging establishment is required to comply with the smoking law, it may still designate 20% of its guest rooms as smoking rooms.

Can lodging establishment employees smoke anywhere indoors?

No. Smoking is not permitted by owners, managers, employees or contract staff anywhere inside the premises, including private offices and break rooms, for all lodging facilities that must comply with the law. Businesses that have had a separate room for smoking can no longer allow smoking in these rooms or anywhere else inside. The owner/manager must inform employees who smoke that they must go outside to smoke. It is important to communicate early and clearly with employees to ensure they understand how the new smoke-free law applies both to them and to customers.

Is smoking allowed in the outdoor section of my lodging establishment?

The new state law does not require unenclosed areas of restaurants, bars and lodging establishments to be smoke-free. However, these establishments may voluntarily put into place a policy that prohibits smoking around doorways, windows and air intake vents, or any other unenclosed area.

What are considered enclosed areas and unenclosed areas?

An area is considered to be enclosed if it has (A) a roof or other overhead covering, and (B) walls or side coverings on all sides or on all sides but one. For example, a patio with a solid roof but walls on only two of its four sides would be considered unenclosed, but a patio that has a canvas roof and solid or canvas walls on three of its four sides would be considered enclosed.

What should I do if a customer refuses to stop smoking?

You or your staff must remind your customers of the law and should politely explain that they must step outside to smoke. Train your staff about what to say to customers; for example: *“State law no longer allows smoking inside here, I’m sorry, but you’ll have to step outside to smoke,”* *“The new smoke-free law prohibits smoking indoors. Thank you for your cooperation,”* or *“We are under a smoke-free law now. I need to ask you to put out your cigarette.”* If customers refuse to comply, use common sense. If necessary, use your normal protocol for removing a disruptive customer from your premises. You may contact local law enforcement to report the customer.

Do I have to post signs in my establishment, and where must they be posted?

Yes. The law requires no-smoking signs¹ to be posted in conspicuous location stating that smoking is not allowed. The rules require the following for the no smoking signs: (1) be posted at each public entrance at a height and location easily seen, (2) be at least 24 square inches in size (for example, 4 by 6 inches), (3) be in legible font type, (4) Display: (a) the Division’s toll-free complaint line telephone number, (b) “G.S.130A-497” (c) “www.smokefree.nc.gov”.

The signs may include the international "No Smoking" symbol, which consists of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it. All establishments subject to the new law, regardless of their smoking policies before the law goes into effect, must post signs.

Free, downloadable signs and materials are available on the [Tools for Businesses](#) page.

Where can I get these signs¹?

Downloadable signs and materials are available for free at www.smokefree.nc.gov under “Tools for Businesses” or can be downloaded and purchased through a local office supply or sign store.

How will the law be enforced?

The owner or manager of the establishment is responsible for compliance and is required to direct a person who is smoking to extinguish the lighted tobacco product.

If a restaurant or bar is out of compliance, an employee or member of the public may call the CARE-LINE at 1-800-662-7030 (bilingual services are available in over 150 languages), 7 a.m. - 11 p.m., seven days a week. If calling between the hours of 11 p.m. and 7 a.m., you may leave a message and your call will be returned. Information about potential violations will be shared with local health directors who have responsibility for enforcement in their county.

More information about enforcement is available by calling your local health department, by calling the toll-free information CARE-LINE at 1-800-662-7030 or by visiting www.smokefree.nc.gov.

What are the specific penalties for violating the smoke-free law?

Both the individual who continues to smoke in violation of the law, as well as the business that fails to comply with the law, may receive the following penalties:

- Individual
 - \$50 fine for an infraction
- Business Owner
 - First Violation: Warning
 - Second Violation: Warning
 - Third and Subsequent Violations: Fine of not more than \$200 per violation. Each day on which a violation of this law or rules adopted pursuant to this law occurs may be considered a separate and distinct violation.

Where can I get information about quitting smoking?

Call the N.C. Tobacco Use Quitline which operates from 8:00 a.m. until 3:00 a.m. seven days a week. The toll-free number for North Carolina is **1-800-QUIT-NOW** or **1-800-784-8669**. Quitline services are available to all North Carolinians. Expert Tobacco Quit Coaches can call you back upon request. English, Spanish and other languages are available. All calls are free and confidential.