

Massachusetts Smoke-Free Workplace Law and Municipal Buildings and Municipal Vehicles

(M.G.L. Chapter 270, section 22)

The Smoke-Free Workplace Law, M.G.L. Ch. 270, §22, mandates that enclosed workplaces with one or more employees must be smoke-free. The state law's intent is to protect workers in enclosed workplaces from secondhand smoke exposure. The full text of the law and additional information is available at www.mass.gov/dph/mtcp.

Are municipal buildings required to be smoke-free?

All city and town buildings and vehicles (such as police department, fire department, and public works) owned, leased, or operated by the Commonwealth, or any political subdivision thereof, must be smoke-free. A *Political Subdivision* in Massachusetts includes counties, cities and towns.

Does the law require a smoker to stand a specific distance away from municipal building entrances?

No, the state law does not require smokers to stand a specific distance away from a public building. However, smoke cannot migrate back into the workplace. Any smoke that migrates back into the building is considered a violation of the law. Contact your local board of health because some municipalities have local regulations, ordinances, or bylaws that require smokers to stand a minimum specific distance from public buildings.

Can someone smoke in his/her private office in a state or municipal workplace?

No, the state law specifically prohibits smoking in private offices in a building or space owned, leased, or otherwise operated by the commonwealth or by a municipal or county government.

Is smoking allowed on public school property and in school buses, even when school is not in session or students are not on the bus?

Public school buildings, facilities, grounds, and buses must be smoke-free at all times, including those times when school is not in session. For more information, a fact sheet on schools and the new smoke-free law is available at <http://www.mass.gov/dph/mtcp>.

Are municipal vehicles required to be smoke-free even if all the occupants consent to smoking?

Yes, the state law specifically prohibits smoking in all owned and leased state and municipal vehicles. However, if the municipal hires a subcontractor to perform a service using a private vehicle owned by the subcontractor, the subcontractor is allowed to smoke, except if the service is performed in municipal buildings or on municipal school property. For example, if the municipality hires a subcontractor to plow snow with his/her own equipment, the contractor cannot smoke while the service is performed on school property owned, or leased by the city or town.

Am I required to post *No Smoking* signs in areas where smoking is prohibited?

Yes, *No Smoking* signs must be posted in locations that are clearly visible to all employees and visitors while in the work place. Signage for both buildings and vehicles are available at your local board of health or at <http://www.mass.gov/dph/mtcp>.

Who enforces the Smoke-free Workplace Law?

The law requires that the owner, operator, manager or person in charge to ensure that employees and the general public comply with the law. The local health department/board of health can respond to complaints received and may conduct periodic inspections. A local health department/board of health, a local inspection department, a municipal government or its agent, the Massachusetts Department of Public Health and the Alcoholic Beverage Control Commission can enforce the law. The Massachusetts Department of Public Health has established a complaint and information line at 1-800-992-1895.

If you smoke and would like to quit, or know someone who wants to quit, call the Massachusetts Smokers Helpline for free helpful information at 1-800-QUIT-NOW (1-800-784-8669), or visit www.makesmokinghistory.org.

For additional information contact the Massachusetts Department of Public Health 1-800-992-1895
TDD/TTY 617-624-5992 | www.mass.gov/dph/mtcp