

Public and Private Schools and The Massachusetts Smoke-Free Workplace Law

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.

PUBLIC SCHOOLS

Is smoking allowed in public schools and on public school property?

No. The Smoke-Free Workplace Law prohibits smoking in all enclosed workplaces, including public and private schools. In addition, Massachusetts requires that all public schools through high school prohibit smoking on school grounds, on school buses, and at school sponsored events. The law is commonly referred to as the "Education Reform Act" (M.G.L. ch. 270, §22(b)(2); MGL c. 71, §§2A, 37H; c. 90, §7B(10)).

Who enforces the Smoke-Free Workplace Law in/on public school property?

Local boards of health are the primary enforcing agents of the Smoke-Free Workplace Law (M.G.L. ch. 270, §22(m)). The superintendent for the school district is responsible for publishing the district's policies prohibiting tobacco use. The principal of each school building is responsible for enforcing the school district's policies.

Are there any penalties for violating the law?

An owner, manager or other person in control of a building who violates the Smoke-Free Workplace Law by failing to provide a smoke-free environment is subject to a civil penalty of \$100 for the first violation, \$200 for a second violation and \$300 for a third or subsequent violation (M.G.L. ch. 270, §22(l)). Individual smokers may also be assessed a civil fine of \$100 for each offense. Penalties are not specified for a violation of the Education Reform Act.

What if my school is a member of the MIAA?

MIAA has additional restrictions pertaining to tobacco use by athletes. For more information visit the MIAA web site at <http://www.miaa.net>.

PRIVATE SCHOOLS

Is Smoking allowed in private schools and on private school property?

The Massachusetts Smoke-Free Workplace Law prohibits smoking in all enclosed workplaces, including private schools (M.G.L. ch. 270, §22(b)(2)).

Are there any penalties for violating the law?

An owner, manager or other person in control of a building who violates the Smoke-Free Workplace Law by failing to provide a smoke-free environment is subject to a civil penalty of \$100 for the first violation, \$200 for a second violation and \$300 for a third or subsequent violation (M.G.L. ch. 270, §22(l)). Individual smokers may also be assessed a civil fine of \$100 for each offense.

What if my school is a member of an Independent School League (ISL)?

ISL has additional restrictions pertaining to tobacco use by athletes. To find out if there are additional rules and violations, the school should contact the league directly.

GENERAL INFO

Are No Smoking signs required?

The law further requires every area in which smoking is prohibited by law to have a No Smoking sign posted, so it is clearly visible to all employees, customers, or visitors while in the workplace (school). Additional signs may also be posted in locker rooms, hallways, cafeterias, kitchens or lobby areas. Signs are available for download at www.mass.gov/dph/mtcp.

What are the procedures for filing a complaint about smoking in a school?

Complaints can be filed by contacting your local board of health/health department, or the Massachusetts Department of Public Health at 1- 800-992-1895. Complaint forms are available online at www.mass.gov/dph/mtcp. Completed forms can be faxed to 617-624-5921 or mailed to the Massachusetts Tobacco Control Program, 250 Washington Street, Boston, MA 02108.

How can I find out more information about the smoke-free school law in Massachusetts?

Visit the Massachusetts Department of Education web site at <http://www.doe.mass.edu>.