

Massachusetts Smoke-Free Workplace Law and Questions Concerning Colleges

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 are available at www.mass.gov/dph/mtcp.

Where is smoking NOT allowed on College Campuses?

Smoking is not permitted in any structure that constitutes a workplace. This includes, but is not limited to, academic and administrative buildings, student unions, maintenance facilities and all common areas of residences including lounges, stairways and lobbies.

Where is smoking permitted on College Campuses?

- Resident Rooms – Under the law, smoking is permitted in dorm rooms, provided it is allowable under college policy. Student rooms are regarded as private residences, setting them outside the purview of the law.
- Outdoors – Smoking is permitted in outdoor areas provided that the smoke does not migrate back in to an enclosed space. For example students may smoke outside academic buildings but, if the smoking takes place under a window or surrounding a building entrance, and the smoke migrates back in to the building, it is a violation of the Smoke-Free Workplace Law.
- Outdoor Smoking Shelters – Smoking shelters are allowable provided that they are;
 - a. Physically separated from the enclosed workplace.
 - b. Not capable of being enclosed, regardless of the materials or removable nature of the coverings.
 - c. Less than 50% enclosed by walls if there is a ceiling present.

Are there any exceptions to the law that apply to College Campuses?

Yes. Smoking may be permitted for a theatrical performer on stage or in the course of film production, provided that smoking is part of the theatrical production and permission has been obtained from the local Board of Health. Further, lit tobacco materials may also be used during the scientific testing and research of tobacco products in an enclosed space, provided that the area is not open to the public and permission has been obtained from DPH.

Is the College legally obligated to establish a smoking policy?

No, however, it is strongly recommended. The policy should deal with the specific issues on a particular campus as well as outline any other college policy related to the Smoke-Free Workplace Law.

May the College create policy that is stricter than the state law?

Yes and many colleges have. Policies range from banning smoking in some or all campus residences to prohibiting the use of tobacco anywhere on college property, including at sporting events. Such policies not only serve to protect the health of the community but, in the case of buildings and residences, can lower maintenance costs such as painting or replacing burned carpeting, as well as reduce the risk of fire.

Where can Colleges or students find more information on Smoke-Free Campuses?

The American Cancer Society maintains a site dedicated to giving students and administrators more information on the problem of smoking on College Campuses as well as ways to go smoke-free.

http://www.cancer.org/docroot/COM/content/div_NE/COM_11_2x_How_to_Launch_a_Smoke-Free_College_Campaign.asp?sitearea=COM

Who enforces the Smoke-Free Workplace Law?

While campus officials are responsible for enforcing any internal school policies, violations of the Smoke-Free Workplace Law are, like any workplace violation, subject to inspections and enforcement by the Local Board of Health.

For additional information contact the Massachusetts Department of Public Health 1-800-992-1895 or 617-624-5900
TDD/TTY 617-624-5992 | www.mass.gov/dph/mtcp