

## Massachusetts Smoke-Free Workplace Law and Questions About Smoking in 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](http://www.mass.gov/dph/mtcp).

### **Are municipal vehicles required to be smoke-free?**

Yes, the law prohibits smoking in city, town, county, and state vehicles at all times. This includes fire trucks, police cruisers, and DPW plows. Section 2(b)(3) states, *"A person shall not smoke in the state house, or in a public building, or in a vehicle or vessel, owned, leased, or otherwise operated by the commonwealth or a political subdivision thereof..."*

### **Are public transportation vehicles required to be smoke-free?**

Yes, the law prohibits smoking in all public transportation vehicles. This law states that smoking is prohibited in *"any vehicle or vessel used in mass public transportation or in the transportation of the public.... or a vehicle or vessel open to the public that is owned by, or operated under the authority of a business, including tour vehicles or vessels, enclosed ski lifts or trams, passenger buses or vans regularly used to transport customers..."*

The law does not apply to *"a private vehicle or vessel not open to the public or not used for the transportation of the public during the times of use, including a private passenger vehicle, a private charter or rental of a limousine, bus or van or the private rental of a boat or other vessel..."*

### **Must a taxi be smoke-free?**

Since taxicabs are specifically included in the definition of public transportation, they must be smoke-free at all times, including when the driver is the only occupant.

### **Are private passenger vehicles, such as a private charter or limousine, required to be smoke-free?**

No, they are exempted.

### **What if car dealer courtesy vehicles are used to transport customers to or from their repair shop?**

Car dealer courtesy vehicles must be smoke-free at all times, including when the driver is the only occupant, because these vehicles are used to transport the public.

### **Are company cars or delivery vans required to be smoke-free?**

Company vehicles are required to be smoke-free if more than one employee may use the company vehicle, if the vehicle transports employees and clients, or if the company vehicle has more than one employee at a time occupying it, such as a two-person team delivery van. Smoking may be permitted in a company vehicle if an employee is provided a company (non-municipal) vehicle that she/he drives alone, keeps in his/her possession and control at all times, and does not use to transport employees or clients.

### **Are vehicles required to be smoke-free while parked at a loading dock?**

If the loading dock is either enclosed or designed in such a way that smoke can migrate from the vehicle into the enclosed space of a workplace, smoking is not permitted in the vehicle while parked at the loading dock.

### **Is smoking allowed in MBTA stations?**

Smoking is prohibited in all MBTA stations and on all MBTA vehicles. Violations can be reported to an MBTA station official or police officer at (617) 222-1212.