

Massachusetts Smoke-Free Workplace Law and Questions Concerning Taxi Cabs

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 (including DPH Regulation 105.CMR 661.000) are available at www.mass.gov/dph/mtcp.

Is smoking allowed in Taxis?

No. Not only are taxis a workplace but they are specifically mentioned within the law. Taxis are defined as a "Public Transportation Conveyance." As such "Smoking shall be prohibited.... upon any public transportation conveyance." (*The Smoke-Free Workplace Law, M.G.L. Ch. 270, §22*)

Is smoking allowed when there are no passengers?

No. Smoking in taxis is specifically prohibited, regardless of whether the taxi is on or off duty or is carrying a passenger or not.

Is smoking allowed when the windows are open?

No. Smoking is not permitted in taxis at any time regardless if windows are open.

What kind of signage does the law require?

No smoking signs are required to be posted in any area where smoking is prohibited. A sign must be visible to both the passenger and driver. Therefore, a sticker should be placed both in the front and in the back of the cab so that both the driver and passenger knows that smoking is not permitted. No smoking signs are available at the local boards of health.

What can I do if a passenger is smoking?

Smoking should be treated like any other banned activity within the cab such as drinking alcohol. You should request that the passenger extinguish the smoking material. If they refuse you may treat the situation as you would any situation in which the passenger is violating state law.

What is the complaint process?

If a passenger files a complaint alleging that a driver is smoking, both the board of health in the municipality where the alleged violation occurred and the taxi owner will be notified. If the complaint is substantiated, a ticket will be issued. For more information on the process or the fines please contact your local board of health. Complaints and tickets may also be filed by enforcement officers who observe smoking inside of the taxi.

Does the enforcement officer have to witness smoking to take enforcement action?

The enforcement officer does not have to witness the actual smoking, however, credible evidence (*e.g. used ashtrays or cigarette butts on the floor*) that smoking occurred must be provided.

Who is responsible for paying the fine?

Whoever the ticket is made out to is responsible for paying the fine. Fines can be given to both owners and individual drivers. Owners may include language in their lease or employment contracts that require cab drivers to pay any tickets accrued against their cab.