

SMOKING IN RESTAURANTS



There are two laws prohibiting smoking in restaurants, bars, taverns, markets and other food facilities:

- ◆ *California Retail Food Code prohibits employees smoking in food preparation areas, and*
- ◆ *The California Smoke-free Workplace Law prohibits smoking in "enclosed" workplaces.*

These laws were enacted to protect the food you eat and to protect the employees that serve you the food. Both laws are discussed here and the Madera County Environmental Health Services Department enforcement policy is also included.

California Retail Food Code.

The California Uniform Retail Food Facilities Law (CalCode) is a part of the California Health and Safety Code. The purpose of this law is to provide uniform statewide health and sanitation standards for retail food facilities. Food can be contaminated if a person is preparing food, serving food or cleaning utensils while using tobacco at the same time. Also, if the person using tobacco does not wash their hands after smoking, they can transmit germs to the food or utensils. Therefore, CalCode, Section 113977, specifically states that:

"No employee shall expectorate or use tobacco in any form in any area where food is prepared, served, or stored, or where utensils are cleaned or stored.", and

“...Employees shall wash their hands ... after coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating or drinking.”

You can file a complaint if you see a food facility employees not complying with the above regulations by calling the Madera County Environmental Health Services Department at (559) 675-7823. A Registered Environmental Health Specialist will investigate the complaint.

California Smoke-free Workplace Law

The California Smoke-free Workplace Law is a part of the California Labor Code. The purpose of this law is to protect is to foster, promote, and develop the welfare of the wage earners of California, to improve their working conditions, and to advance their opportunities for profitable employment. Smoking and second hand smoke causes life threatening diseases. To help protect all employees, the State of California added language to the California Labor Code to prohibit smoking in most public places. Therefore, Labor Code (LC), Section 6404.5, specifically states that:

“No employer shall knowingly or intentionally permit, and no person shall engage in, the smoking of tobacco products in an enclosed space at a place of employment”

In addition restaurant and bars are required to post “No Smoking” signs at each entrance and when appropriate, request that a patron who is smoking refrain from smoking in an enclosed space.

A complete copy of Labor Code 6404.5 may be obtained from www.leginfo.ca.gov. More information is available from BREATH at www.breath-ala.org.

You can file a complaint if you see a business not complying with the above regulation by calling Madera County Environmental Health Department at (559) 675-7823.