

# Catholic Conference of Ohio

9 E. Long St., Suite 201, Columbus, Ohio 43215

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May 4, 2007

**TO:** Pastors, Pastoral Leaders, and Principals

**FROM:** Timothy V. Luckhaupt

**RE:** **New Smoking Regulations, Effective May 3, 2007**

Ohio's indoor smoking ban prohibits smoking in "public places" and "places of employment." The Ohio Department of Health enforcement rules took effect on May 3, 2007. These regulations generally provide that the proprietors of public places and places of employment must:

- (1) **Prohibit Smoking;**
- (2) **Post "No Smoking" signs including the telephone number 1-866-559-OHIO for reporting of violations;**
- (3) **Remove all ashtrays and other smoking receptacles.**

The pertinent provisions of the new regulations are summarized below as a series of questions.

**I. Who qualifies as a Proprietor?**

The regulations define "proprietor" to mean "an employer, owner, manager, operator, liquor permit holder, or person in charge or control of a public place or place of employment."

**For purposes of this memorandum a proprietor is a pastor, pastoral leader or school principal.**

**II. Where is smoking prohibited?**

Smoking is prohibited in the following areas:

- (1) Public places which include our churches and schools;
- (2) Places of employment;
- (3) Areas immediately adjacent to the entrances or exits of a public place or place of employment.

**III. Where is smoking permitted?**

Smoking is permitted in:

- (1) Private residences;
- (2) Nursing homes/residential care facilities;
- (3) Outdoor patios.

**NOTE:** An outdoor patio is defined to mean an area that is either:

1. Enclosed by a roof or other overhead covering such as a tent or umbrella with walls or side coverings on no more than two sides;

2. Or has no roof regardless of the number of walls or side coverings.

The outdoor patio must be physically separated from any enclosed area.

**IV. What must pastors, pastoral leaders and principals do to ensure compliance with the indoor smoking ban?**

The following steps must be taken to prevent smoking in our churches and schools:

- (1) Take reasonable steps to ensure that smoke does not enter any area in which smoking is prohibited;
- (2) Post no smoking signs: such signs must be of sufficient size to be clearly legible and must contain the telephone number (1-866-559-OHIO) for reporting violations;
- (3) Remove ashtrays and other receptacles for disposing of smoking materials.

**V. What are the responsibilities of the individual in complying with the smoking ban?**

The new regulations require that an individual discontinue smoking when asked to do so by the pastor, pastoral leader or principal or his/her representative. **No person shall retaliate in any manner against an individual for reporting a violation of the smoking ban.**

**VI. How are violations reported?**

Violations are to be submitted to the Ohio Department of Health at 1-866-559-OHIO. The department may decline to investigate but if it does they will provide a written notice of the reported violation to the pastor, pastoral leader or principal. You will have 30 days to contest the report.

**VII. What types of fines are associated with violations of the smoking ban?**

The following fine structure is in place:

- (1) The first violation is punished with a warning letter;
- (2) A second violation results in a \$100 fine;
- (3) The third violation is a \$500 fine;
- (4) A fourth violation results in a \$1,000 penalty;
- (5) A fifth and all subsequent violations result in a \$2,500 fine.

**NOTE: The department may waive the fine if it finds the pastor, pastoral leader or principal made a good faith effort to comply with the smoking ban.**

**If you have any questions about the smoking ban please call the Catholic Conference of Ohio at 614-224-7147.**

TVL/sb

cc: Board of Directors, Chancellors, Finance Directors, Superintendents of Schools, Bingo Coordinators, and Diocesan Attorneys