

Smoking Regulations (NYS Clean Indoor Air Act)

Where is smoking prohibited?

For the most part, smoking inside in public, or at any workplace, is not allowed. There are a few exceptions, most of which are outlined below. A notable circumstance where smoking is restricted outdoors is in the outdoor seating area of restaurants, where smoking is permitted, but only in 25% of any such seating area.

Where is smoking permitted?

There are few exceptions to the 'no smoking inside in public places' rule. The few places smoking may be allowed indoors would include:

- Smoking is not prohibited inside private homes, as long as they are not used for day care or as places of employment.
- Smoking may be allowed in hotel or motel rooms. The hotel or motel may restrict this to a limited number of certain specific rooms at their discretion.
- Smoking may be allowed in some retail tobacco businesses, at some locations when used exclusively for promoting tobacco products, and some 'cigar bars.'
- Smoking may be permitted in membership associations where no one is compensated in any way. The association may further restrict smoking at their discretion.

Can someone smoke in a smoking break room or in his or her 'private office'?

Recent changes to the laws prohibit all smoking inside at places of employment. Private offices, for supervisors, managers, and even the owners are not exempt from the 'no smoking' rule. Neither are rooms previously equipped as smoking rooms. There are no allowances for smoking in any place of employment.

Are there any requirements for smokers to stand a certain distance from the entrance of a building while smoking?

The owners of a property or building are always free to establish rules regarding where smoking is allowed and prohibited. The current regulations do not specify any specific distances.

My neighbor smokes in his apartment, or out on the balcony, and smoke gets into my dwelling. Can anything be done?

The present regulations do not address this issue. Any recourse you have would be through building management, owners or boards of owners, and, as a last resort, private counsel could be retained to advise you of your legal rights.

How can I enter or file a complaint?

In Nassau County, employees and the public can report violations to the Nassau County Department of Health – Smoking Regulation Program (516) 227-9617 weekdays from 9:00 a.m. to 4:45 p.m. The names of those making a complaint are held in confidence, but you can file an anonymous complaint if you do not need to know what the results of any investigation might be.

Is more information available?

If Nassau County residents have additional questions or concerns regarding Smoking in Public Places, they can call the Nassau County Department of Health – Smoking Regulation Program at 516-227-9617.