

**PREPARING**  
**for a**  
**SMOKE-FREE**  
**DELAWARE**



**OUTREACH KIT**  
**for**  
**RESTAURANTS & BARS**

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### **Fact Sheets & Payroll Stuffers**

**Secondhand Smoke**

**Tobacco Risks**

**How to Quit Smoking**

**How to Help Someone Quit Smoking**

**Youth and Smoking**

**Healthy Choices**

# **HOW TO HELP YOUR RESTAURANT AND/OR BAR GO SMOKE-FREE**

According to Delaware state law, most indoor public places, including meeting facilities, food service establishments, bars and places of employment will go smoke-free, as of November 27, 2002.

Medical evidence clearly shows that smoking is harmful to the health of smokers and nonsmokers alike. It is important to address tobacco-related issues in the workplace as a means of reducing healthcare costs, cleaning and maintenance costs, and improving morale.

The following guideline offers suggestions on several phases:

- Initial Planning
- Policy Development
- Implementation

Also included in this packet are:

Frequently Asked Questions

Fact Sheets

- Restaurants & Bars Going Smoke-free
- Secondhand Smoke Exposure Risks

Theme Night Suggestions

Sample Smoke-free Slogans

Smoke-free door/window signs, table tent messages

Local Resources

## INITIAL PLANNING

- ❖ Assign overall responsibility
  - ✓ Utilize someone in middle or senior management. This shows commitment from the top level of management down. Try to engage a person who truly cares about the issue and who is respected.
- ❖ Set a timeline for development and implementation
- ❖ Form an employee committee. Include representation (if applicable) from management, labor, safety and health, medical, communications, a smoker, a nonsmoker, and an ex-smoker. Describe the charge of the committee and authority they may have for making decisions. The committee may want to:
  - Assess the current situation
    - ✓ What is your policy?
    - ✓ Who is covered by the policy?
    - ✓ What are the employees' attitudes about the policy and do they comply?
  - Survey employees
    - ✓ How many employees smoke? (perception is often distorted)
    - ✓ Where do they smoke?
    - ✓ How many want to quit smoking?
    - ✓ Are nonsmokers affected by the secondhand smoke?

## **POLICY DEVELOPMENT**

Have the committee discuss:

- ❖ **Notification process of the policy**
  - Suggestions include communication through:
    - ✓ Management letter to each employee with the policy
    - ✓ Announce the policy at all meetings
    - ✓ Include articles in the company's newsletter
    - ✓ Post policy on bulletin boards and other locations known to employees
    - ✓ Payroll enclosures
    - ✓ Focus on the health aspects and the benefits of going smoke-free. Do not focus on the smoker.
  
- ❖ **How will you handle break rules** (if you are going to allow smoking outside)
  
- ❖ **Litter issues** (receptacles outside)
  
- ❖ **Hiring policy** (notification to new employees about policy)
  
- ❖ **Violation policy** (Emphasis the need for consistency for all employees)
  
- ❖ **Contract language with unions**
  
- ❖ **Training issues** on how to handle the policy and violations

## **IMPLEMENTATION**

### **How do I implement a smoke-free policy?**

- ✓ Set a date and start informing your customers of the coming change.
- ✓ Remove ashtrays.
- ✓ Post “NO SMOKING” signs in prominent places, including restrooms.
- ✓ Train your employees about the law, including what to say to smoking customers – for example:

*“I’m sorry – you’ll have to put out your cigarette or smoke it outside. This is in accordance with Delaware state law.” **OR***

*“State law requires that no smoking is allowed here. Thank you for your cooperation.”*

**Hold ‘theme nights’ to get your patrons excited about going smoke-free. (Refer to “theme night ideas” enclosed)**

**If your company wants to go smoke-free before November 27, 2002, use ‘special events days’ such as the Great American Smoke-out, or your company’s anniversary, as your Implementation Day, keeping in mind that you must go smoke-free no later than Nov. 27, 2002.**

***Remember to approach the policy in a positive manner.***

## **FREQUENTLY ASKED QUESTIONS**

### **Q. What does the law say?**

**Effective November 27, 2002, the following indoor public places must be smoke-free:**

- ✓ Restaurants (*includes all those with liquor licenses*)
- ✓ Child day care facilities (*including private homes*)
- ✓ All workplaces (*includes ALL workplaces with 2 more individuals*)
- ✓ Healthcare facilities 75% of hotel and motel rooms (*25% are designated for smoking*)
- ✓ Taverns, taprooms
- ✓ Public buildings
- ✓ Lobbies, hallways and other common areas in apartment buildings, condominiums and other multiple-unit residential facilities
- ✓ Government owned and/or operated means of mass transportation (*buses, vans, trains, taxicabs and limousines*) Retirement facilities and nursing homes not including any private residence
- ✓ All common-use areas such as hallways, restrooms, lobbies, reception areas, etc.
- ✓ Schools (both public and non-public)
- ✓ Other educational and vocational institutions
- ✓ Bowling alleys
- ✓ Billiard and pool halls
- ✓ Casinos (featuring slot machines only)
- ✓ Gaming facilities open to the public
- ✓ Public meetings
- ✓ Elevators
- ✓ Grocery stores
- ✓ Gymnasiums
- ✓ Jury waiting and deliberation rooms
- ✓ Courtrooms
- ✓ Any indoor sports arena
- ✓ Museums
- ✓ Libraries
- ✓ Theatres

**The Clean Indoor Air Act allows smoking in the following types of facilities:**

- Private homes, residences, automobiles and limousines – unless they are being used for child care/daycare or for business.
- Any fund raising activity or function sponsored by a volunteer fire company, auxiliary of a fire company, or a volunteer ambulance or volunteer rescue company; the activity or function must take place upon property owned or leased by the volunteer fire, rescue or ambulance company.

### **Q. What does the law require me to do?**

Beginning Wednesday, November 27, 2002, you may not allow smoking at your establishment. If you see customers smoking, you or your staff must ask them not to smoke indoors. They are free to smoke outside.

## **Q. What about smoking in the outdoor section of a restaurant or bar?**

The law is limited to “enclosed” public places, and does not prohibit smoking in an outdoor patio of a restaurant or bar.

## **Q. Will this law hurt business?**

**The bottom line:** Studies of sales tax data from cities with smoke-free bars show that business has not been hurt and often improves when bars go smoke-free. Since Delaware law requires that all state gaming clubs, bars, and restaurants be smoke-free, there is a “level playing field.” No competitors will have an unfair advantage.

## **Q. How do I deal with people who want to smoke?**

*(Here are some tips offered by bar & restaurant owners/manager in California. All bars and restaurants have been smoke-free there since 1998.)*

“Mostly the customer just wants someone to listen. We make it (being smoke-free) a positive thing by saying that it’s great, our establishment smells good, other customers aren’t bothered and they are welcome to light up outside.” *(Jim Kopp, owner/manager, The Rumpus, San Francisco)*

“Once in awhile, a customer will want to smoke a cigar at the bar, and we’ll have to walk outside with them to talk about why we’re smoke-free while they smoke their cigar. We just let them know that it’s the law, and there haven’t been any problems.” *(Sam Walker, owner, Whisky Creek & Angels, Mammoth Mountain)*

“Once in a blue moon, people ask to smoke. We let them know we are a nonsmoking sports bar and if they want to smoke, we have an outside area close to the exit.” *(Assad Gardizi, director of restaurants, Barley ‘N Hops Sports Bar, San Francisco)*

## **Q. What can I do for customers who smoke?**

“Our smoking area is near an exit outside. We’ve put ashtrays out there for smokers who need to go out and take that puff.”  
*(Assad Gardizi, director of restaurants, Barley ‘N Hops Sports Bar, San Francisco)*

“Smokers just outside and we sweep up in the morning. They still come to my bar or there wouldn’t be cigarette butts out there.”  
*(Harold Baum, owner, Clement Street Bar & Grill, San Francisco)*

“We are located on an alley where we can have outside seating, café-style. Customers can smoke outside in the open air.”  
*(Jim Kopp, owner/manager, The Rumpus, San Francisco)*

## **Q. How did other bar owners go smoke-free?**

“We let everyone know we were going to have a smoke-free night by putting up notices around the bar. We took this time to educate our clientele as to why we did it -- which was to protect the health of our staff, NOT to get them to quit smoking. It takes the sting out when you can start with a smoke-free night. Then we had smoke-free Wednesdays and no smoking after 4 p.m. Finally, we went totally smoke-free.” (*Lou Moench, owner/manager, Father’s Office, Santa Monica*)

“We started slowly. The smoking section got smaller and smaller, then the bar went completely smoke-free. It was good to phase it in.” (*Harold Baum, owner, Clement Street Bar & Grill, San Francisco*)

“We just changed our policy. Cold turkey. And everything was fine.” (*Sam Walker, owner, Whisky Creek & Angels, Mammoth Mountain*)

## **Q. What do I do about a customer who refuses to comply?**

Use common sense. Smokers are not criminals. The purpose of the law is to protect others from the harmful effects of secondhand smoke. If you see customers smoking, you or your staff must ask them not to smoke indoors. Tell that indoor smoke-free public places are required by state law, and you are simply complying with the law. DO NOT CALL the police unless the violator is threatening physical harm or is being belligerent in the process.

## **Q. Am I required to provide a smoking breakroom for my employees?**

No. The law does require employers to provide a smoking breakroom for employees.

## **Q. What if I choose not to ask customers to stop smoking?**

If you fail to comply with the law, a member of the public in your establishment can contact:

Delaware **Dept of Health and Social Services**: 1-800-464-HELP (4357)

## **Q. Are there any penalties if I or my business allows smoking?**

Yes. Any person who violates the law is subject to an administrative penalty of \$100 for the first violation and not less than \$250 for each subsequent violation. Please note: Any employer who discharges or discriminates against an employee in any manner because that employee has given information to the Dept of Labor, or been involved in any proceedings, will be deemed in violation and subject to a civil penalty of not less than \$2,000 nor more than \$10,000 for each violation.

# **FAST FACTS ON RESTAURANTS & BARS GOING SMOKE-FREE:**

## **It's what the people want.**

Three out of every four Delawareans DO NOT smoke.

76% of them support smoke-free public places.

The vast majority of state residents won't be affected when you go smoke-free. In fact, many of them have voiced that they will be more likely to frequent a bar or restaurant and/or stay longer because there will be no smoke.

## **It saves money.**

A survey of 2,000 smoke-free businesses found that 60 percent reported a reduction in cleaning and maintenance costs.

And, smoke-free restaurant ordinances have had NO effect on restaurant sales in 15 cities in California and Colorado – in rural, urban, and suburban settings – since 1986.

## **It just makes sense.**

A uniform statewide standard means that all restaurants and bars will be on a level playing field, rather than a patchwork of smoking and smoke-free establishments.

## **It saves lives.**

Secondhand smoke has been linked to lung cancer, nasal sinus cancer, heart disease deaths, and chronic coronary heart disease.

Restaurant and bar employees will finally be afforded the same protections that all other Delawareans employees will enjoy.

# **SECONDHAND SMOKE EXPOSURE IN BARS AND RESTAURANTS:**

- **Working a shift in a smoky bar is equivalent to actively smoking nearly a pack of cigarettes per day.<sup>1</sup>**
- **Waitresses die from higher rates of lung and heart disease than any other female occupational group, according to a study published by the *Journal of the American Medical Association*. They have four times the expected lung cancer mortality and 2 1/2 times the expected heart disease mortality rate.<sup>2</sup>**
- **Bar workers involuntarily inhale ammonia, arsenic, carbon monoxide, formaldehyde and cyanide—all ingredients in secondhand smoke.<sup>3</sup>**
- **In the largest study ever conducted on the issue, Harvard Medical School found that high exposure to secondhand smoke nearly doubles a woman's risk of having a heart attack.<sup>4</sup>**
- **If you are in a smoky bar for only two hours, it is the same as smoking four cigarettes. *Four cigarettes. ... And you thought you didn't smoke.*<sup>5</sup>**

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1 Journal of the American Medical Association, Michael Siegel, MD, MPH, July 28, 1993, Vol. 270, No. 4

2 Journal of the American Medical Association, Michael Siegel, MD, MPH, July 28, 1993, Vol. 270, No. 4

3 Journal of the American Medical Association, Michael Siegel, MD, MPH, July 28, 1993, Vol. 270, No. 4

4 Harvard Medical School, Kawachi I., et al., May 1997

5 UC Berkeley School of Public Health

# SMOKE-FREE RESTAURANT AND BARS

## Theme Night Suggestions

Promotions can bring excitement and fun to going smoke-free. Following are some suggested theme nights restaurants and bars can use to promote the smoke-free message:

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- ❖ **SMOKE-FREE DAYS.** Pick a day of the week and make it smoke-free, such as smoke-free Wednesdays.
  
- ❖ **SMOKE-FREE HOURS.** Don't allow smoking after a certain time of day such as 4 p.m.
  
- ❖ **SMOKE-FREE EVENING FOR CHARITY.** Invite an appropriate charity to do a smoke-free fund-raiser.
  
- ❖ **SMOKE-FREE WINE NIGHTS.** "Tobacco and fine wines don't mix."
  
- ❖ **SMOKE-FREE HOLIDAY-THEMED EVENINGS** such as Halloween.
  
- ❖ **SMOKE-FREE HAPPY HOUR.** "We want you to have fun, meet new people, and enjoy our fine wine and imported or domestic beer, but we don't want you to go home with the harmful effects of secondhand smoke."

## **Sample Slogans for Going Smoke-Free:**

**Breathe stronger, party longer**

**Breath stronger, dance longer**

**Twist and Shout, the smoke is out**

**Enjoy the bar without the tar**

**What'll it be? Smoke-Free**

**Raise your glass to smoke-free bars**

**Let's make a toast to smoke-free bars**

**A toast to your health**

**Cheers to smoke-free bars**

**Eat, drink and be smoke-free**

**Celebrate in the clear**

**The only thing burning here is the dance floor**

**Stash the ash and pocket the cash**

**Light up the room, not a cigarette**

**Smoke-free is music to my lungs**

## **LOCAL RESOURCES**

### **American Lung Association of Delaware**

1021 Gilpin Avenue, Suite 202  
Wilmington, DE 19806  
Phone 302-655-7258  
Fax 302-655-8546  
e-mail: [dbrown@alade.org](mailto:dbrown@alade.org)  
[www.alade.org](http://www.alade.org) (Delaware)  
[www.lungusa.org](http://www.lungusa.org) (National)  
*Freedom from Smoking Group  
Cessation Program  
Online Freedom from Smoking Program  
Self-Help Materials  
Brochures*

### **American Cancer Society**

92 Read's Way, Suite 205  
New Castle, DE 19720  
Phone 302-324-4227  
Fax 302-324-4233  
e-mail: [cgreenjo@cancer.org](mailto:cgreenjo@cancer.org)  
[www.cancer.org](http://www.cancer.org)  
*Brochures*

### **American Heart Association**

1096 Old Churchman's Road  
Newark, DE 19711  
Phone: 302-633-0200  
Fax: 302-633-3964  
e-mail: [carolyn.wisniewski@heart.org](mailto:carolyn.wisniewski@heart.org)  
[darrin.anderson@heart.org](mailto:darrin.anderson@heart.org)  
[www.americanheart.org](http://www.americanheart.org)

### **Eugene DuPont Preventive Medicine and Rehabilitation Institute**

Kennett Pike  
Wilmington, DE 19807  
Phone: 302-661-3000  
Fax: 302-661-3421  
email: [mkeenan@christianacare.org](mailto:mkeenan@christianacare.org)  
*Quitting Together Group Cessation  
Quitting By Phone*

### **Delaware Division of Public Health**

Jesse Cooper Building  
P.O. Box 637  
Federal and Water Streets  
Dover, DE 19903  
Phone: 302-744-4544  
Fax: 302-739-3839  
**[www.deph.org](http://www.deph.org)**  
*Regulation information: Public places  
(including restaurants and bars)  
Tobacco Control Program  
DE QuitLine: 1-866-409-1858*

### **Delaware Department of Labor**

P.O. Box 9954  
Wilmington, DE 19809  
Phone: 302-761-8200 (Wilmington)  
Phone: 302-421-1134 (Milford)  
[www.delawareworks.com](http://www.delawareworks.com)  
*Regulation information: Workplaces  
Delaware HelpLine: 1-800-464-4357  
(ask for Clean Indoor Air Act)*