

Employee Duties During Non-Working Hours

Included in the new law is a section that clarifies certain employee concerns. The purpose of this provision is to provide fair and equal treatment of employees regardless of their legal off-the-job use of tobacco and alcohol.

It is unlawful for an employer to refuse to hire, to discharge or otherwise disadvantage any individual because he or she uses alcohol or tobacco products off the premises of the employer in a legal manner during non-working hours.

The law does not apply if such use interferes with the duties and/or performance of the employee. Religious organizations and institutions, as well as nonprofit health care promotion organizations, are exempt from these provisions.

Smoking is an Adult Decision

Smoking is an adult decision. This section of the new law is designed to help keep tobacco products out of the hands of minors. Retailers and vending machine operators are called upon to adhere to this new law.

Minimum Age for Sale and Distribution:

The law states that no one shall sell any tobacco product or distribute any tobacco product or rolling papers to anyone under the age of 18.

Responsibility of Seller:

A person selling tobacco products must require proof of age from a prospective purchaser or recipient if he suspects that the individual may be under the age of 18.

Penalty For Violation of the Law – Who is Responsible:

If a sale is made by an employee to a minor, the employee is guilty of violating the law. If a vending machine is involved in a violation of this act, the owner of the establishment in which the machine is located is guilty of the violation.

Reasonable reliance on proof of age or on the appearance of the purchaser or recipient is a defense to any action for violation of these requirements. Fines for violation of this provision range from \$25 for the first offense to \$250 for the third violation.

Signage Requirements:

The owner of an establishment where tobacco products are sold must prominently display a sign at every tobacco display and on every vending machine that states: "It is a violation of state law for cigarettes or other tobacco products to be sold to any person under the age of 18."

A Final Note

We encourage you to address the new law in a fair and responsible manner. If you have any questions or require any additional information, please contact:



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P.O. Box 10277
Kansas City, MO 64111
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WORKPLACE SMOKING

Missouri

EMPLOYEE PRIVACY

A Guide for Employers
and Businesses

TOBACCO SALES TO MINORS

Understanding the New Law

The Missouri Restaurant Association offers this brochure to the business community as a practical guide to understanding the newly adopted state-wide restrictions on smoking, as well as the new law concerning employee off-duty activities and the prohibition of tobacco sales to minors.

Representing more than 3,800 members in the state, the Missouri Restaurant Association continually seeks ways of providing assistance to the business community. This brochure is only one example of our dedication to serving our members.

Businesses are encouraged to consider reasonable responses to the workplace smoking issue that meet the needs of employers, employees and customers alike; to protect the lawful off-duty activities of employees and comply with laws prohibiting tobacco sales to persons under the age of 18.

An Overview of the New Law

On August 28, 1992, a new law governing smoking, employee privacy and tobacco sales to minors went into effect in Missouri.

In general, the Missouri law restricts smoking in various public places including restaurants, retail stores and other public places. The new law specifies that the person in charge of the public place may designate smoking areas, but they may not exceed 30% of available space.

The law also clarifies unfair action by an employer concerning an employee's lawful use of alcohol or tobacco products off the premises of the employer during non-working hours.

To increase efforts to keep tobacco out of the hands of children, it is unlawful to sell tobacco products to persons under the age of 18. Signs must be posted where tobacco products are sold. Fines have been established for violations.

Smoking Policy for Public Places

The new law prohibits smoking in public places except in designated smoking areas. Proprietors or their agents may designate smoking areas not to exceed 30% of an entire area. Smoking is prohibited in areas covered by fire marshal regulation or by other laws, ordinances or regulations.

Public places include any enclosed indoor area used by the general public or serving as a place of work, including: retail stores, health care facilities, public transportation vehicles, rest rooms, elevators, education facilities, libraries, day care facilities, museums, auditoriums and concert halls.

Public Places Exempt From Regulation

The following areas are exempt from regulation:

- a room or hall used for a private social function;
- limousines for hire and taxicabs, where the driver and all passengers agree to smoking in the vehicle;
- a place where more than 50% of business concerns the blending of tobacco or the sale of tobacco products;
- bars, taverns and restaurants that seat less than 50 people; bowling alleys and billiard parlors that post signs stating that "nonsmoking areas are unavailable."

Smoking Policies in Restaurants

The new law for restaurants seating fifty people or more requires the person in charge to designate an area of sufficient size to accommodate usual and customary demand for nonsmoking areas by customers or patrons.

Bars, taverns and restaurants seating less than 50 people may allow smoking throughout the facility so long as signs are posted stating "non-smoking areas are unavailable."

Smoking Policies Government and Private Workplaces

Each state executive department and institution of higher education must provide a designated smoking area where state employees may smoke during the work day, provided the area is adequately ventilated.

Private workplaces are considered "public places." Smoking areas may be designated by the person in charge of these places as long as no more than 30% of the entire space is designated as smoking permitted.

When Designating Smoking Areas

The person in charge of a public place is responsible for designating smoking areas. Areas should be arranged to best utilize existing ventilation systems and be indicated by posting appropriate signs. The person in charge is also responsible for requesting a person to move if they are smoking in a non-smoking area.

Order Form

Missouri Restaurant Association No-Smoking Table Tents and Signs

25 Table Tents, 2 Signs
\$2.00 postage & handling with order



Name _____

of sets _____

Firm _____

Address _____

City/State/Zip _____

Mail to: Missouri Restaurant Association
P.O. Box 10277
Kansas City, MO 64111



TIMO 0002836

Confidential Missouri Tobacco
Litigation Case No. 972-1465