

WORKPLACE SMOKING

Missouri

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EMPLOYEE PRIVACY

**A Guide for Employers
and Businesses**

TOBACCO SALES TO MINORS

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.

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.

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.

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."

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."

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.

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.

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