

## ***Smoke Free Air Act NYC Local Law 5 (1995)***

The City Council of New York enacted Local Law 5 (1995) in response to the United States Environmental Protection Agency and other reports concerning health risks associated with environmental tobacco smoke or “second hand smoke”. Local Law 5 puts further restrictions on allowable smoking areas and adds new features and amendments to existing Local Law 2 (1988).

Section 17-503 of Local Law 5 address prohibition of smoking in public places, and Section 17-504 regulates smoking in places of employment. These two sections affect commercial areas such as banks, corporate interiors, educational facilities, libraries, museums, and restaurants to name a few. Although smoking will be permitted in many of these occupancies, it will be restricted to specially designed smoking areas.

Compliance in the work place usually takes the form of a separate enclosed smoking area with limitations as to size and content. Contents mean that the area cannot be the sole source of certain services such as vending machines, beverage or food service, or place of payment for services. In an office environment, the designated smoking room cannot be situated in an area which requires an employee to pass through or use the room for work related activities, nor can any office equipment or kitchen services exist. An employer may provide a single smoking room on each floor with a maximum size of 300 sq. ft.

Compliance in some cases involves a consensus by the occupants of the space where smoking is permitted. In private enclosed offices with some one to three people, or in a company vehicle, each and every person must consent. Office doors must be completely closed while smoking occurs and for reasonable period thereafter to minimize or eliminate second hand smoke from drifting into smoke free areas.

Every employer affected by Local Law 5 will be required to adopt and prominently post a smoking policy.

Isolating smoke-free areas from the impact of second hand smoke is a primary concern of Local Law 5. The most effective means of isolating a smoking environment from a surrounding smoking-free area is to fully enclose it. Second, the smoking room must be under negative pressure with respect to the surrounding area through the use of an exhaust system to prevent smoke from drifting into smoke free areas. Strict operating procedures must ensure that all doors remain closed except when entering or leaving the room in order to maintain the pressure differential.