

OHIO SMOKING LAW SUMMARY

Effective Date: Dec. 7, 2006

Chapter 3794. of the Ohio Revised Code (ORC) prohibits all forms of tobacco smoke in all public places and places of employment and in areas immediately adjacent to the ingress or egress of the public place or place of employment. While immediately adjacent is not defined, proprietors must assure that smoke does not enter the area where smoking is prohibited through entrances, windows, ventilation systems, or other means.

No individual shall refuse to immediately discontinue smoking in a public place, place of employment, or establishment, facility or outdoor area declared nonsmoking when requested to do so by the proprietor or any employee of the business.

The following areas may be exempt:

- Private residences, except during hours of operation as a child care or adult care facility or as a business when employees, who do not reside in the residence, are present or when individuals conducting business in the home are present.
- No more than 20% of sleeping rooms in hotels, motels or other lodging facilities.
- Family owned and operated business where all the employees are family members, the business is not open to the public, and the business is in a free standing building.
- A separately enclosed and separately ventilated smoking room for residents in a nursing home. No employee of the nursing facility is required to accompany a resident into the smoking room.
- Retail tobacco stores (80% of gross revenue from sale of tobacco products). Any retail tobacco store that begins operation after the effective date of this law or any existing retail tobacco store that relocates to another location after the effective date of this law may only qualify for this exemption if located in a freestanding structure occupied solely by the business and smoke from the business does not migrate into an enclosed area where smoking is prohibited under the provisions of this chapter.
- Outdoor patio (an area that is either: enclosed by a roof or other overhead covering and walls or side coverings on not more than two sides; or has no roof or other overhead covering regardless of the number of walls or other side coverings) that is physically separated from an enclosed area and does not allow the migration of smoke into the enclosed area.
- * Private clubs as defined in section 4301.01 (B) (13) of the ORC provided ALL of the following apply:
 - a. The club has no employees;
 - b. The club is organized as a not for profit entity;
 - c. Only members of the club are present in the club's building;
 - d. No persons under the age of 18 are present in the club's building;
 - e. The club is located in a freestanding structure occupied solely by the club;
 - f. Smoke from the club does not migrate to an enclosed area where smoking is prohibited;
 - g. If the club serves alcohol it holds a D-4 liquor permit.

*According to the Appellate Court decision handed down for Case No. 07CVH04-5103 Ohio Licensed Beverage Association vs Ohio Department of Health, a "private club" exemption does not exist in the Smoke Free Act.

"No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be conspicuously posted in every public place and place of employment where smoking is prohibited by this chapter, including at each entrance to the public place or place of employment. Signs shall be of sufficient size to be clearly legible to a person of normal vision throughout the areas they are intended to mark. All signs shall contain the ODH enforcement line for reporting violations (1-866-559-OHIO (6446) and may also contain the number of a designee appointed by ODH.

All ashtrays and other receptacles used for disposing of smoking materials shall be removed from any area where smoking is prohibited.

FOR THE FULL TEXT OF THE LAW, PLEASE GO TO [HTTP://WWW.ODH.OHIO.GOV](http://www.odh.ohio.gov)