

Responsibilities of proprietor.

- (A) No proprietor, except as permitted in section 3794.03 of the Revised Code, shall permit smoking in the public place or place of employment or in the areas directly or indirectly under the control of the proprietor immediately adjacent to locations of ingress or egress to the public place or place of employment.
- (B) In addition to the requirements of paragraph (A) of this rule, a proprietor shall take reasonable steps including, but not limited to, requesting individuals to cease smoking, to ensure that tobacco smoke, in an area directly or indirectly under the control of the proprietor, does not enter any area in which smoking is prohibited under Chapter 3794. of the Revised Code and this chapter through entrances, windows, ventilation systems, or other means.
- (C) A proprietor shall not be deemed in violation of Chapter 3794. of the Revised Code and this chapter if any smoke inadvertently enters the public place or place of employment, including entry through entrances, windows, ventilation systems, or other means, from an area otherwise exempted by division (A) of section 3794.03 of the Revised Code and this chapter as a private residence.
- (D) A proprietor shall post signs pursuant to the requirements of Chapter 3794. of the Revised Code and rule 3701-52-06 of the Administrative Code.
- (E) A proprietor shall identify himself or herself upon the request of the department.
- (F) A proprietor shall remove ashtrays and other receptacles used for disposing of smoking materials pursuant to Chapter 3794. of the Revised Code and this chapter. If ashtrays and other receptacles used for disposing of smoking materials are of historic or architectural value and were affixed to real property prior to December 7, 2006, such ashtrays and other receptacles may remain if they are not used for disposal of smoking materials. Division (B) of section 3794.06 of the Revised Code and this rule shall not apply to ashtrays and other receptacles within vehicles if they are not used for the disposal of smoking materials.
 - (1) A proprietor may provide ashtrays and other receptacles used for disposing of smoking materials in areas where smoking is not prohibited under Chapter 3794. of the Revised Code and this chapter.
 - (2) A proprietor may provide ashtrays and other receptacles used for disposing of smoking materials solely for the purpose of disposing smoking materials prior to entering a place of employment or public place.
 - (3) A proprietor may store ashtrays and other receptacles used for disposing of smoking materials in a location within an area where smoking is prohibited if the location has no public access, the location is used primarily for storage purposes, and the ashtrays or other receptacles are used solely in accordance with paragraph (F) (1) of this rule.
- (G) No person shall discharge, refuse to hire, or in any manner retaliate against any individual for exercising any right, including reporting a violation, or performing any obligation under Chapter 3794. of the Revised Code or this chapter.

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Certification

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Date

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