



STATE OF MARYLAND

DHMH PRESS RELEASE

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FOR IMMEDIATE RELEASE

DHMH Issues Final Clean Indoor Air Regulations

State law passed in 2007 goes into effect on February 1

BALTIMORE, MD (December 21, 2007) – Regulations to implement the Clean Indoor Air Act of 2007 have been released by the Department of Health and Mental Hygiene (DHMH.)

The final regulations, which appear in today's *Maryland Register*, require Maryland businesses to prohibit smoking in indoor areas open to the public, in outdoor areas that meet the "indoor area" definition, and to post signs in areas where smoking is prohibited. The regulations go into effect on February 1.

"The adoption of these regulations is the final step in making Maryland a smoke-free state," said DHMH Secretary John M. Colmers. "They offer clear guidance for businesses in what they need to do. The experience of other states is that a smoke free environment is a win-win for the business community as well as the health of Maryland residents."

In addition, the regulations prohibit smoking in private clubs with liquor licenses and in mass transit vehicles. Private vehicles used for public transportation of children, or for day care and health care transportation, are also prohibited by the regulations.

A provision in the regulations allows businesses to apply to local health departments for a temporary waiver from certain provisions of the Clean Indoor Air Act. To qualify for the waiver, a business owner will need to show either a minimum 15 percent decrease in sales of food and beverage, or that the owner has been unable to recover costs incurred from improvements made to reduce secondhand smoke exposure. The decrease in sales must occur in at least two consecutive months of smoke-free operation and not be related to other factors such as increased competition. Improvement costs had to be incurred before the law was signed in 2007.

Businesses that apply for waivers will have to show how they will reach compliance with all of the provisions of the Clean Indoor Air Act by February 1, 2011, when all waivers expire.

The regulations allow smoking outside of an establishment, but businesses that plan for alternative smoking venues such as outside tents or shelters must ensure that those areas do not meet the definition of an "indoor area."

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The regulations define an “indoor area” as “...all space in a structure or building with a ceiling that is enclosed on all sides by any combination of permanent or temporary walls, windows, or doorways, whether open or closed, or other physical barriers extending from floor to the ceiling...”

Between now and February 1, DHMH will send information kits to many of the affected businesses. Local health departments will also conduct outreach. DHMH is launching a Web site which will have relevant information and forms available for download. Log onto www.dhmh.state.md.us and click on “Clean Indoor Air Act of 2007,” listed in the Hot Issues portion of the home page to access this site. Effective January 2, DHMH will launch a toll-free help line, 1-866-703-3266, to answer basic questions and provide resources to assist the public and businesses comply with the new law.

When developing and finalizing the regulations, DHMH received and evaluated comments from businesses and the public.

Two public hearings were held by the department during the summer to gain input on the development of the regulations. A third public hearing was held November 8 to give businesses and the public an opportunity to comment on the proposed regulations. A 30-day public comment period began on October 12 when the draft regulations were published in the *Maryland Register*.

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