

SMOKE-FREE ARIZONA ACT
FAQ's for Businesses (Public Places and Places of Employment)

1) What is the definition of an outdoor patio? Can I let my employees smoke on my patio that has just one open side?

An "outdoor patio" may be designated as such by a proprietor as long as the patio is adjacent to a place of employment or public place and as long as the proprietor controls the place of employment or public place. Yes, the outdoor patio must have at least one open side, whether it is the ceiling or a wall. "Open" may be open space, permeable material (i.e. shade cloth, wrought iron bars, etc...), or a combination of both.

2) Is my outdoor patio designated for smoking and located in the back of my business required to be a reasonable distance (20 feet) from the patio door?

No. Outdoor patios are one of the seven exemptions of the Law. Outdoor patios that are not 20 feet from the patio door may be designated as smoking patios so long as tobacco smoke does not enter into non-smoking areas.

3) What if my outdoor patio is located in the front of my business and less than 20 feet from the entrance into my establishment?

Smoking on this patio may still be allowed if the outdoor patio has a solid (non-permeable) wall or mechanical devices (i.e. blower, air curtain, etc...) that permit an individual to avoid breathing tobacco smoke when using the entrance, and does not allow tobacco smoke to enter the establishment through entrances, open windows, permeable components of ventilation systems, or other means.

4) How far from employee entrances must my employees go to smoke outside if we do not have an outdoor patio designated for smoking or they do not want to smoke on the outdoor patio provided to them?

20 feet. Employees that are smoking must be a reasonable distance (20 feet) from all establishment entrances, open windows, and permeable components of ventilation systems, with the exception of emergency exits and doorways designated for outdoor patio patrons.

5) Will I get in trouble if people smoke on the city sidewalk in front of my establishment since I don't control that space?

No. You are only responsible for the areas in which you control.

6) If my landlord owns the sidewalk in front of my establishment and passers-by smoke there, would I be in violation of the Law?

No. You are only responsible for the areas in which you control. You are responsible for posting "no smoking" signs at all entrances, removing ashtrays from all non-smoking areas in which you control, educating your current and prospective employees, and prohibiting smoke from entering into your establishment.

7) What should I do if a customer inside my business or another non-smoking area complains about the Smoke-Free Act and refuses to stop smoking?

Initially, listen to what they have to say. Explain that the purpose of the Law is not to keep them from smoking, but to protect the health of your employees and other customers. If you feel threatened or at risk, call the police immediately. The police will be permitted to remove the individual from the establishment and also issue the individual a petty offense fine if they are observed in violation of the A.R.S. § 36-601.01. You may also want to keep an information log to be used to document these rare instances which you may later choose to show an inspector if you receive a complaint related to this incident.

8) Will I be in violation of the Law if an inspector finds an ashtray in my private office or at my entrances?

Yes, you will be in violation if there is evidence that ashtrays are being used in non-smoking areas. Ashtrays must be removed from all non-smoking areas.

9) Can I post my "no smoking" signs inside my establishment rather than outside?

No, the "no smoking" signs must be posted at all entrances in a conspicuous location visible from the outside of the establishment; however, you can post "no smoking" window clings inside affixed to the door or window if visible from the outside.

