
Massachusetts Enacts Statewide Workplace Smoking Ban

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On Friday, June 18, 2004, Governor Romney signed into law legislation banning smoking in all of the workplaces of the Commonwealth. The smoke-free workplace law, which will take effect July 5, 2004, provides that employers within Massachusetts must provide a smoke-free environment for all employees working in an enclosed workplace. This means that all enclosed areas of the workplace must be smoke free, including all work spaces, common work areas, conference and meeting rooms, private offices, elevators, hallways, cafeterias, employee lounges, staircases and restrooms. Under the new legislation, so-called "smokers' outposts" are permissible only in outdoor areas that are open to the air at all times and are not enclosed by any sort of wall or side covering. In addition, prominent postings also must be made informing employees and visitors that smoking is prohibited.

Fines for noncompliance with the smoke-free workplace law may include a \$100 fine for a first violation; a \$200 fine in the case of a second violation within 24 months of the first violation; and, in the case of three or more violations within 24 months of the second violation, a fine of \$300 for each violation. The law further provides that each day of operation in violation will be deemed a separate violation.

Massachusetts will be one of several states, along with New York, Connecticut, Maine, Delaware and California that have implemented statewide smoking bans.

For more information regarding compliance with the smoke-free workplace law, please contact the attorneys listed above.