The statewide smoking ban went into effect on July 5, 2010. The law bans smoking in all indoor workplaces, enclosed public places and even some outdoor venues such as sports stadiums. Restaurants and taverns are included as places where smoking is banned. A clause in the law requires local governments to allow every establishment to have an outdoor smoking area.

**Outdoor smoking areas:**

Smoking area allowed on public sidewalk.

Must be a “reasonable distance” from any entrance to the establishment (ambiguous language is intended to allow flexibility for different outdoor spaces).

An outdoor smoking area structure can have:

- Roof
- Two solid walls (no more than two) – remaining walls must have at least 25 percent of their area that allows air flow (open windows, screens).

**What to do if someone lights up indoors:**

There is a four-step procedure outlined by the law that should be followed by the person in charge in the establishment:

1. Instruct the smoking patron to stop smoking;
2. Refuse to serve the smoking patron;
3. Ask the smoking patron to leave;
4. And, if all else fails, call the police.

**Fines:**

If a business is not following the procedures outlined above, a $100 fine can be issued to the business. The “person in charge” of the establishment will receive a written warning notice for the first smoking violation. Subsequent smoking violations may not exceed $100 for all violations occurring on a single day. The possible fine for a customer ticketed for smoking in an enclosed place may range between $100 - $250. Local ordinances can prescribe higher fines.

**Questions? Call the WRA Hotline:** 1-800-589-3211

**Effective July 2010**
Restaurant owners’ frequently asked questions

SMOKING

**Q:** I am considering building outdoor accommodations for smokers. What do I need to know?

**A:** Before building anything, business owners should talk to their local zoning departments to get all the proper building permits and make sure they are meeting local building requirements. It may also be helpful to contact WRA because some of the language addressing outdoor smoking areas is a bit vague. WRA encourages members to be safe in what they are doing and not spend an extraordinary amount of money on something that might not be allowed. If the courts decide some outdoor smoking areas are illegal down the road, we wouldn’t want building an outdoor structure to have been a waste of money.

**Q:** I thought WRA used to oppose smoking bans. Why did we support this one?

**A:** Over the last decade-plus, Wisconsin had been peppered with local ordinances that restricted smoking in restaurants and bars due to concerns about second-hand smoke and public health. In 2007, WRA joined other advocates to push for a statewide smoke-free law. WRA’s goal was a solution that would “level the playing field,” create a consistent law for restaurants and taverns and eliminate advantages and disadvantages between establishments based on municipal boundaries.

When the smoke-free workplace law took effect on July 5, 2010, Wisconsin was the last of our neighboring states (Illinois, Iowa, Minnesota and Michigan) to implement such a law. The relatively long time between the signing of the law and the effective date was something that WRA pushed for to give bar and restaurant owners time to prepare for the change. WRA also achieved its other chief objectives in the law: allow outdoor smoking areas and protection of those areas from stricter local ordinances; no exemptions that would affect the hospitality industry; and a uniform effective date for restaurants and taverns.

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