



Department of Health and Human Services

Smoke-free Ordinance AMC 16.65 (Effective July 1, 2007)

FREQUENTLY ASKED QUESTIONS

- 1. In our business that is open to the public, we have a separate room designated as a smoking room, complete with separate ventilation and tight-fitting doors. Will this arrangement be in compliance with the new smoking ordinance?**

No. Any building or business that has any portion open to the public is subject to the ordinance. No smoking may occur in the building, even in areas not accessed by the public.
- 2. We have an outside seating area. Can we allow smoking there?**

The ordinance specifies that smoke cannot enter smoke-free areas through entrances, windows, ventilation systems or other means. Smoking may occur at a reasonable distance outside enclosed smoke-free areas. A reasonable distance is the distance necessary to keep smoke out of smoke free areas. This is a minimum of 50 feet from all hospitals or medical clinics, 5 feet from bar entrances, and 20 feet from all other entrances to non-smoking enclosed areas.
- 3. I have a retail store and no employees. Will my business have to be non-smoking?**

Yes. The business is available to and customarily used by the public and therefore it must be smoke-free. All public and work areas must be smoke-free.
- 4. If I have a patron who keeps smoking in my establishment even though I have repeatedly asked him not to, is the city going to issue me a citation for his refusal to abide by the law?**

If a person insists upon smoking in a smoke-free area after you have posted signs, urged the patron to stop and explained the requirements, you can call the Anchorage Police Department (APD). APD has officers who will take the calls in priority order and respond. The officer will explain the law to the patron again and take any further action as necessary including escorting the patron out if necessary.
- 5. We have a full beverage dispensary license for our private club. We do not have any employees. Volunteers staff our bar. Can we smoke in our club?**

No. Smoking is prohibited at all enclosed areas that are places of employment. *Employee* means any person who is employed by any business for compensation or works for a business as a volunteer without compensation.
- 6. I have run a successful business for years and most of my patrons smoke. What will happen if I just decide to continue to allow smoking?**



Municipality of Anchorage



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Repeated complaints and confirmed non-compliance with the ordinance can result in enforcement action including citations and fines up to \$100.00 for the first violation, \$200.00 for the second violation, and \$500.00 for each additional violation.

- 7. In our building, we have an underground parking garage, complete with separate ventilation and tight-fitting doors. May people smoke in this area?**
No. *Enclosed area* means all interior space within a building or other facility between a floor and a ceiling that is enclosed on all sides by walls, windows, or doors extending from the floor to the ceiling. No smoking may occur in the building, even in areas not accessed by the public.
- 8. We have company owned vehicles. May employees smoke in our vehicles?**
No. Smoking is prohibited at all enclosed areas that are places of employment. *Place of employment* means an area under the control of an employer, that employees may frequent during the course of employment, including, but not limited to, work areas, employee lounges, restrooms, conference rooms, classrooms, cafeterias, hallways, and vehicles.
- 9. We enjoy smoking while watching sporting events. May we smoke in the outdoor seating area?**
No. Smoking is prohibited at all seating areas of outdoor arenas, stadiums, and amphitheatres.
- 10. We provide childcare in our home for one child. May we smoke in our own home?**
Smoking is prohibited in all enclosed areas where a person provides childcare on a fee for service basis. Smoking is not prohibited in private residences, except enclosed areas during the time childcare is provided on a fee for service basis. Individuals providing day care on a fee for service basis shall not expose children to secondhand smoke. Childcare centers (12 or more children) must be smokefree at all times.
- 11. We do not want smoking on our property. Do people have the right to smoke on our property?**
Nothing in this chapter shall be construed or interpreted to provide any person a right to smoke on premises or property owned, leased or under the legal control of another.

For more information about the smoke-free ordinance you may call 343-4200 or visit our web page at <http://www.muni.org/healthesd/smoke.cfm> for more resources.