



## Wisconsin's Statewide Smoke-Free Air Law

State Statute 101.123, Wisconsin Act 12

### Definitions:

*Place of Employment:* any indoor place that employees enter carrying out their work duties such as office, work area, employee lounge, restroom, conference room, meeting room, classroom, elevator, stairway, lobby, common area, vehicle, cafeteria, meeting room, or hallway.

*Public Place:* any place open to the public or where the public may be invited

*Enclosed Place:* a structure or area that has a roof and more than two substantial walls

*Substantial Wall:* a wall with no opening or with an opening that either does not allow air in from the outside or is less than 25 percent (25%) of the wall's surface area

*Smoking:* a cigar, cigarette, pipe or other lighted smoking equipment (Note: E-cigarettes are not included)

### Enforcement & Fine Structure:

Department of Justice is authorized to enforce the smoke-free law. An individual in violation of the law will be fined \$100 to \$250.

Person in charge provisions: A person in charge can't provide matches or ashtrays, must post adequate signage, ask any person violating the law to stop smoking, ask any person violating the law to leave, refuse service to any person violating the law in the case of restaurants, bars, and private clubs, and notify law enforcement if the person refuses to comply. Any person in charge who violates the law will be fined \$100. The first violation requires a warning\* and the maximum daily fine is \$100 regardless of the number of violations.

Effective: July 5<sup>th</sup>, 2010

### Limits on local authority to regulate smoking:

Local authorities (city, county, village, towns) may further restrict outside smoking on public properties such as parks, fairgrounds, and the like. Local authorities may not define the term reasonable distance or set any set number of feet as being a reasonable distance. Restaurants, taverns, private clubs, and retail establishments may designate an outside area a reasonable distance from the main/front entrance where people can smoke.

\*Any person in charge who does not take appropriate action as outlined above will also be fined.



Smoking is prohibited in the following places:

- State Capitol and immediate vicinity
- Residence halls of colleges and universities
- Day care centers and outside of a day care center when children are present
- Educational facilities
- Correctional facilities (and on the grounds of juvenile correction facilities)
- State institutions (mental health, developmentally disabled persons)
- All restaurants and taverns
- All retail establishments
- All bowling centers
- All skating rinks
- Private clubs (any facility used by an organization that limits membership and is organized for recreational, social, political etc. purposes)
- Common areas of multi-unit residential properties
- Hotels, motels, bed & breakfasts, and tourist rooming houses
- All municipal buildings
- A reasonable distance from smoke-free places and entrances
- Sports Arenas of all kinds including Lambeau Field, Miller Park, gymnasiums, & swimming pools (whether or not they fit the definition of an enclosed space)
- Bus shelters, public transit
- Health and medical centers including hospitals, physician's offices, treatment centers
- Inpatient health care facilities (county home, nursing homes, hospice, veteran's home)
- Theaters
- All other enclosed places other than list above that are places of employment or public places

Smoking is permitted in the following places:

- Private residences
- Certain residence rooms in assisted living facilities which are designated as smoking
- Tobacco retailers\*\* who generate more than 75% of its revenue from the sale of tobacco not including cigarettes
- Tobacco bars\*\* which generate 15% or more of its revenue from the sale of cigars or pipe tobacco (vending machines are not included)

\*\*Tobacco retailers and tobacco bars must be in existence by 6/3/09; smoking of cigarettes is prohibited

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