



Automobile Dealers Association of Indiana, Inc.

BULLETIN

Bulletin #1202 – June 15, 2012

NOTICE NOTICE NOTICE

STATE WIDE SMOKING BAN (EFFECTIVE July 1, 2012)

Under legislation passed by the Indiana General Assembly and signed by Governor Daniels, a state wide smoking ban goes into effect on July 1, 2012. This ban may affect your dealership operations. Following is a summary of the statute. If there is a city ordinance in place which contains more restrictive prohibitions, then the city ordinance would prevail. Check with your city or town.

I. Smoking Prohibitions

1. As of July 1, 2012, smoking may not take place in a “public place, a place of employment or within eight (8) feet of a public entrance to a public place or place of employment.” This would not ban outside smoking, but would restrict it to within eight (8) feet of a public building or place of employment.

II. Employer responsibilities under the statute include:

1. The responsibility to inform employees and prospective employees that smoking is prohibited in the place of employment. That can be done by sign, flyer, or other means of dissemination.
2. Remove ashtrays or other smoking paraphernalia from areas of the public place or place of employment.
3. Post conspicuous signs at each public entrance that read: “State Law Prohibits Smoking Within 8 Feet of the Entrance” or other similar language.
4. Ask an individual who is smoking to refrain from smoking.
5. Cause to be removed from the public place any individual who is smoking and fails to refrain from smoking after being asked to refrain from smoking.
6. Employers may not discharge, refuse to hire, or retaliate against an employee reporting a violation of the statute.

There are certain exemptions to this statute for horse racing facilities, casinos, off-track betting parlors, cigar and Hookah bars (established before 12/31/2012), and fraternal clubs, etc.

Perhaps the most difficult aspect to comply with will be the prohibition within eight (8) feet of an entrance to your dealership. For example, ashtrays or other receptacles for disposing of smoking materials could be placed eight (8) feet away from the public entrance. Another question would be: Is your service department entrance a public entrance? (Probably yes.)

For further information, please call ADAI retained attorneys, Ron Smith or Mike Shanahan at (317) 639-5454.