

Eating Establishments:

- Catering establishments
- Establishments dispensing food from vending machines
- Hotels, motels, and boarding homes
- Mobile eating places
- Restaurants, take-out restaurants, and drive-in restaurants
- Coffee shops and sandwich shops
- Cafeterias and short order cafes
- Luncheonettes, grills, and tearooms
- Soda fountains
- Bars and cocktail lounges
- Night clubs
- Roadside stands
- Industrial feeding establishments
- Retail frozen dairy product establishments
- Airports and parks
- Theaters (drive-in and outdoor concert venues)



- Recreational camps, and youth camps
- Any nonalcoholic drinking establishments where food is prepared and served or served for consumption on the premises
- Catering establishments where food is prepared, or where foods are prepared for vending machines dispensing food other than in original sealed packages.

Signage Requirements

Places where smoking is prohibited must have signs that read "No Smoking" with letters at least one inch in height, or the international symbol for no smoking.



Signage requirements	Yes/No	Action Needed
Business has notified its patrons of the prohibition on smoking in outdoor eating areas, and request that all persons within an outdoor eating area comply with this section?		

For **FREE** signage please visit: <http://ptmstore.org> and click under 'second hand smoke.'



Maine's Outdoor Dining Law

Title 22. M.R.S.A §1550



Guide for Licensed Eating Establishments

Published by
Health Inspection Program

Purpose Tobacco smoke contains more than 7,000 chemicals. Tobacco use causes cancer, heart disease, and lung diseases. There is no risk-free level of exposure to secondhand smoke. Tobacco use is the single most preventable cause of death and disease in the United States.

80% of Maine residents are nonsmokers, and most people who smoke want to quit.

Definitions

Eating Establishment means any place where food or drink is prepared and served, or served to the public for consumption on the premises.

Smoking includes carrying or having in one's possession a lighted or heated cigarette, cigar, or pipe or a lighted or heated tobacco or plant product intended for human consumption through inhalation whether natural or synthetic in any manner or in any form. "Smoking" includes the use of an electronic smoking device.

The Law Smoking is prohibited in an outdoor eating area if the outdoor eating area or any portion thereof is open and available for dining and beverage service.

Penalty A person who violates the law commits a civil violation for which a fine of \$100 may be adjudged, except that a fine of up to \$1,500 may be adjudged for each violation in cases when a person engages in a pattern of conduct that demonstrates a lack of good faith in compliance.

<http://www.mainelegislature.org/legis/statutes/22/title22ch262sec0.html>

Outdoor Dining Area Checklist

1.) Is your business required to comply with Maine's Outdoor Dining Law §1550? Check by answering the following 4 questions:

Criteria	Yes
1.) Is your business licensed by the Health Inspection Program as an eating establishment?	
2.) Does the area have a patio, deck or other property that is partially enclosed or open to the sky that is permitted for outdoor eating or drinking under the control of your eating establishment?	
3.) Does the area contain sitting or space designated by the owner or operator of the business where food or drink is permitted for consumption on the premises?	
4.) Is food or drink sold to customers intended or required for consumption on the premise?	

If you answered 'yes' to any question above, your eating establishment shall comply with Maine's Outdoor Dining Law §1550.



2.) Complete the action planning checklist below for tips to prohibit smoking in eating areas or any portion thereof that is open and available for dining and beverage service at your licensed eating establishment:

Management Practices	Yes/No	Action Needed
1.) Is someone taking responsibility for ensuring compliance?		
2.) Have all staff been instructed on the requirements of the law?		
3.) Have policies or procedures been developed to guide your staff in compliance?		
4.) Are plans in place and signs posted to ensure customers are informed?		

