

What is defined as an Eating Establishment?

Eating establishment or eating place means any place where food or drink is prepared and served or served to the public for consumption on the premises or prepared and served or served ready to eat to the public for consumption off-premises. Eating establishments includes places in the entertaining, hospitality, recreation and tourism industries.

Examples of Eating Establishments Required to follow this Law:

- Catering establishments;
 - Correctional facilities;
 - Hospital cafeterias;
 - Mobile eating places;
 - Restaurants;
 - Retail frozen dairy product establishments;
 - Places where food is prepared for vending machines dispensing food other than in original sealed packages;
 - Public and private schools; and
 - Workplace eating establishments
- For the complete definition please visit (See, 22 M.R.S. §2491):
<http://www.mainelegislature.org/legis/statutes/22/title22sec2491.html>



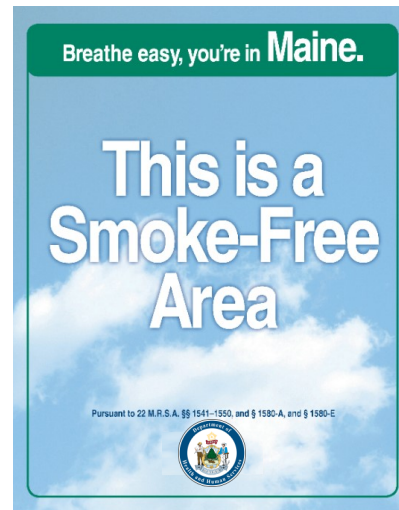
Signage Requirements

No Smoking signs shall be posted to notify patrons of the prohibition of smoking in outdoor eating areas (where food or drink is permitted for consumption on the premise) to ensure compliance with Maine's Outdoor Dining Law.

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.



To order and receive
FREE Smoke-Free Area
signage please visit:
www.maineventionstore.com
click "Collections" then "Tobacco"



Maine's Outdoor Dining Law



**NO SMOKING OR VAPING
PLEASE**

Guide for Licensed Eating Establishments

Smoking in outdoor eating areas

Title 22. M.R.S. §1550



Department of Health and Human Services
Maine Center for Disease Control and Prevention
11 State House Station
286 Water Street
Augusta, Maine 04333-0011
Tel: (207) 287-8016; Fax: (207) 287-9058
TTY Users: Dial 711 (Maine Relay)

Purpose

The purpose of this guide is to assist business owners, operators and employees of licensed eating establishments to comply with Maine's Outdoor Dining Law. Smoking is prohibited in an outdoor eating area that is partially enclosed or open to the sky that is permitted for food or drink on the premises. This guide also includes signage notification and compliance requirements.

What is defined as Smoking?

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 consumption through inhalation whether natural or synthetic in any manner or in any form. **"Smoking" includes the use of an electronic smoking or vaping device.**

Electronic Smoking Device means a device used to deliver nicotine or any other substance that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the device.

Why ban Smoking in Outdoor Dining Areas?

Tobacco smoke contains more than 7,000 chemicals, including hundreds that are toxic and about 70 that can cause cancer. There is no risk-free level of secondhand smoke exposure; even brief exposure can be harmful to health. Tobacco use is the leading cause of disability and death in the United States.

Penalty

A person who violates the law commits a civil violation for which a fine of \$100 to \$1,500 may be adjudged for each violation.

Outdoor Dining Area Checklist

Is your business required to comply with Maine's Outdoor Dining Law? Check below by answering the following four (4) questions:

Criteria	Yes/No
1. Is your business licensed by the Health Inspection Program as an eating establishment?	
2. Does your business 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 licensed eating establishment?	
3. Does your business sell or serve food or drink to the public intended or required for consumption on your licensed eating establishment premises?	
4. Does your business contain sitting or space designated by the owner or operator that is partially enclosed or open to the sky where food or drink is permitted for consumption on your licensed eating establishment premises?	

If you answered **YES** to **any** question above, your licensed eating establishment shall comply with Maine's Outdoor Dining Law (*See*, 22 M.R.S. §1550).



Has your business implemented protocols to ensure compliance with Maine's Outdoor Dining Law? Check below by answering the following four (4) questions:

Management Practices	Yes/No
1. Has management and personnel been notified of Maine's Outdoor Dining Law requirements?	
2. Are management and personnel held accountable to ensure compliance of Maine's Outdoor Dining Law?	
3. Have policies and procedures been adopted to guide management and personnel to support compliance of Maine's Outdoor Dining Law?	
4. Are No Smoking signs posted to advise patrons of the smoking prohibition in outdoor eating areas?	

If you answered **YES** to **all** four questions above, your licensed eating establishment has implemented management practices to ensure compliance with Maine's Outdoor Dining Law.