

Department of Health

Vermont's Smoke-Free Laws: **Smoking in Public Places**

In Vermont, smoking laws ban the possession of lighted tobacco products in nearly all the common areas of indoor “places of public access.” This includes any place of business that serves the public or that the public has access to use – both public and privately owned and for profit or not-for-profit organizations. This law prohibits the use of tobacco substitutes such as electronic cigarettes, and any electronic or battery powered device that delivers nicotine or other substances into the body through inhaled vapor, are also prohibited.

Where does the Smoking in Public Places Law Apply?

The law applies to any places of public access. A “place of public access” refers to any place of business, commerce, banking, financial services, or other service related activities. Examples include:

- Common areas of multi-unit housing
- Buildings and offices
- Means of transportation
- Common carrier waiting rooms, like bus stations
- Arcades, libraries, theaters, concert halls, auditoriums, arenas, shopping malls, etc.
- Restaurants, bars, and cabarets, including private clubs and bars
- Retail and grocery stores
- All areas of hotels and motels, including lobbies, guest quarters, hallways, elevators, restaurants, restrooms, and cafeterias
- Buildings or facilities owned or operated by social, fraternal, or religious clubs
- Common areas of nursing homes and hospitals and all grounds of any State-owned or operated hospital or residential recovery facility
- Within 25 feet of all State-owned buildings and offices, excepting areas not owned by the State

Private schools are included. A separate Vermont law bans all tobacco use and the use of tobacco substitutes (e.g. e-cigarettes) on the grounds of public schools, at school-sponsored events, and at licensed childcare centers at all times and by all persons. Tobacco and tobacco substitute use is prohibited at licensed childcare homes while children are in care. A separate Vermont law bans smoking in cars when a child in a car seat or booster seat is present. The Smoking in Public Places Law also applies to publicly owned buildings and offices which include indoor places or portions of places that are owned, leased, or rented by state, county or municipal governments, or by agencies supported by taxes.

What does an owner, manager or employee do if a patron is smoking a cigarette or using tobacco substitutes?

- The law requires that the owner, manager, or employee ask the person to put out the cigarette or cease using the tobacco substitute.
- If the person refuses then the law directs the owner, manager or employee to ask the person to leave.
- If the person refuses to leave then you may call a local police officer. A member of the public can also call the police.

What are the penalties for violating the Smoking in Public Places Law?

A person who is smoking in a public place, and an owner who does not take action as noted above, are both subject to penalties for noncompliance, that can include fines and other civil or criminal penalties.