

SMOKING IN RESTAURANTS

There are two laws prohibiting smoking in restaurants, bars, taverns, markets and other food facilities:



The California Retail Food Code Law prohibits employees smoking in food preparation areas, and

The California Smoke-free Workplace Law prohibits smoking in “enclosed” workplaces.

These laws were enacted to protect the food you eat and to protect the employees that serve you the food. Both laws are discussed here, and the Kern County Public Health Services Department, Environmental Health Division, enforcement policy is also included.

California Retail Food Code

The California Retail Food Code (CRFC) is a part of the California Health and Safety Code. The purpose of this law is to provide uniform statewide health and sanitation standards for retail food facilities. Food can be contaminated if a person is preparing food, serving food or cleaning utensils while using tobacco at the same time. Also, if the person using tobacco does not wash their hands after smoking, they can transmit germs to the food or utensils. Therefore, CRFC, Sections 113977 and 113953.3, specifically state that:

“...an employee shall eat, drink, or use any form of tobacco only in designated areas where contamination of nonprepackaged food; clean equipment, utensils, and linens; unwrapped single-use articles; or other items needing protection cannot result.”

“...all employees shall thoroughly wash their hands ... after coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating or drinking.”

You can file a complaint if you see a food facility employees not complying with the above regulations by calling the Kern County Public Health Services Department, Environmental Health Division, at (661) 321-3000. A Registered Environmental Health Specialist will inspect the facility.

California Smoke-free Workplace Law

The California Smoke-free Workplace Law is a part of the California Labor Code. The purpose of this law is to protect is to foster, promote, and develop the welfare of the wage earners of California, to improve their working conditions, and to advance their opportunities for profitable employment. Smoking and second hand smoke causes life threatening diseases. To help protect all employees, the State of California added language to the California Labor Code to prohibit smoking in most public places. Therefore, Labor Code (LC), Section 6404.5, specifically states that:

“No employer shall knowingly or intentionally permit, and no person shall engage in, the smoking of tobacco products in an enclosed space at a place of employment”

In addition restaurant and bars are required to post “No Smoking” signs at each entrance and, when appropriate, request that a patron who is smoking refrain from smoking in an enclosed space.

You can file a complaint if you see a business not complying with the above regulation by calling Kern County Public Health Department at (661) 321-3000.