

# Delaware's Clean Indoor Air Act

**FOR FURTHER  
INFORMATION CONTACT:**

Delaware Department of Labor  
Office of Labor Law Enforcement

Located at:  
4425 North Market Street  
Wilmington, DE 19802  
(302) 761-8200

655 South Bay Road, Suite 2H  
Dover, DE 19901  
(302)-430-7712

[www.delawareworks.com](http://www.delawareworks.com)

Delaware Division of Public Health's  
Tobacco Control Program  
(302) 744-4544

**DELAWARE HELP LINE**

1-800-464-4357  
ask for  
Clean Indoor Air Act



*How it affects  
YOUR business*

This brochure is intended to be a general reference guide for Delaware's Clean Indoor Air Act and not intended to be comprehensive or to provide an authoritative legal interpretation.



## The Basics...

### DELAWARE'S CLEAN INDOOR AIR ACT

Delaware's General Assembly and the Minner Administration find it is in the best interest of the people of this State to protect non-smokers from exposure to tobacco smoke in most indoor public places - meeting facilities, food service establishments, bars, and places of employment.

### SMOKING RESTRICTIONS

Delaware's amended Clean Indoor Air Act, which goes into effect on November 27, 2002, prohibits smoking in any indoor enclosed area to which the general public is invited or in which the general public is permitted, including:

#### ALL WORKPLACES

### SMOKING RESTRICTION EXEMPTIONS

The following places are specifically excluded from the Clean Indoor Air Act:

- ✓ Private homes, private residences and private automobiles, except when such homes, residences or vehicles are used for child care or day care, or when the private vehicle is used for the public transportation of children or as part of health care or day care transportation;
- ✓ Any indoor area where private social functions are being held when seating arrangements are under the control of the sponsor of the function and not the owner, operator, manager or person in charge of such indoor area;
- ✓ Limousines under private hire;
- ✓ A hotel or motel room rented to one (1) or more guests provided the total percentage of such hotel or motel rooms does not exceed twenty-five percent (25%);
- ✓ Any fund raising activity or function sponsored by a volunteer fire company, auxiliary of a fire company, or a volunteer ambulance or volunteer rescue company; provided, however, that the fund raising activity or function takes place upon property owned or leased by the volunteer fire, rescue or ambulance company;

✓ Any fund raising activity or function sponsored by a fraternal benefit society as defined by 18 Del. C. §6201; provided, however, that the fund raising activity or function takes place upon property owned or leased by the fraternal benefit society.

### PENALTIES

- \$100 for a first violation;
- Not less than \$250 for each subsequent violation;
- Not less than \$2,000 nor more than \$10,000 for any employer who discharges or discriminates against an employee in any manner because that employee has provided information or assisted the Department of Labor.

### IF YOU HAVE QUESTIONS

To further explain how the new amendments may affect your business, contact the Departments of Labor or Health and Social Services.

*a joint project by:*



Delaware's Department of  
Health and Social Services