

GRANT COUNTY

County Courthouse
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(509) 754-6060



HEALTH DISTRICT

1038 W. Ivy Avenue
Moses Lake, WA 98837
(509) 766-7960

POLICY AND PROCEDURE

Subject:
Enforcement of Smoking Restrictions
In Businesses

Index:

ENVIRONMENTAL HEALTH

Number:
EH.5 901Enforcement

Effective Date:
February 8, 2006

Approved by:
Health Officer
/s/Alexander Brzezny 2/8/06

Supersedes:
(none)

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1.0 PURPOSE:

Establish a procedure for enforcement of smoking restrictions for businesses and places of employment.

2.0 OPERATIONS AFFECTED:

Environmental health and tobacco prevention staff in personal health.

3.0 REFERENCES:

3.1 RCW 70.160 (Washington "Clean Indoor Act") as amended by initiative 901.

3.2 Grant County Health District Ordinance 2005-2

4.0 POLICY:

1.1 Complaints regarding any violation of RCW 70.160 will be investigated and enforced as required by Initiative 901.

1.2 Smoking restrictions documented by GCHD staff in licensed food establishments will be enforced as part of the GCHD food ordinance, specific to the inclusion of signage, the presence of smoking, or any evidence of smoking.

5.0 PROCEDURE:

- 5.1 Complaints of violation of RCW 70.160 will be investigated by GCHD staff within 5 days of their receipt. Violations that are not appropriately addressed through GCHD Ordinance 2005-2 will be handled in the following manner:
 - 5.1.1 The complainant's signature of an affidavit will constitute documentation of a violation. Although an investigation by a GCHD staff member will be made, a signed affidavit alone will be considered adequate evidence of the violation.
 - 5.1.2 Statement of any violation witnessed by a GCHD staff member will constitute documentation of a violation, with or without a signed affidavit of a complainant.
 - 5.1.3 Photos or illustrations from the complainant are encouraged.
- 5.2 A documented violation will result in the following:
 - 5.2.1 A file regarding the complaint will be created to include a written description of all communications regarding the reported or actual violation(s).
 - 5.2.2 A written warning will be sent to the business responsible as required by Initiative 190, section 5 (2).
 - 5.2.2.1 Receipt of a written warning will be verified by registered mail receipt, delivery service records, or delivery by a GCHD staff member.
 - 5.2.3 Educational material regarding RCW 70.160 will be provided to the owner or manager of any business investigated.
 - 5.2.3 Within 10 working days following receipt of the initial warning letter, a compliance check will be made by a GCHD staff member.
- 5.3 If additional violation of RCW 70.160 can be documented after the date the first warning letter is sent, a second notice of violation will be sent.
 - 5.3.1 Verification of delivery will be the same as 5.2.2.1 above.
 - 5.3.2 A copy of the second letter of violation, will sent to any regulatory/permitting/licensing agency having jurisdiction at the business location.
 - 5.3.1 Upon failure to comply within 10 working days or upon any successive documented violation, all documentation will be referred to the prosecuting attorney's office for further action, as allowed by RCW 70.160.

6.0 DEFINITIONS

GCHD: Grant County Health District

GCHD Ordinance 2005-2: The Grant County Health District Ordinance defining enforcement procedures for the program of food inspection.