The Swiss Federal Council,
In light of Arts. 2, sub-paragraph 3, and 6, sub-paragraph 1, of the federal law of October 3, 2008, concerning protection against secondhand smoke,\(^1\) orders:

**Section 1  General Provisions**

**Art.  1  **Scope

This ordinance regulates:

a. the prohibition of smoking in closed spaces accessible to the public or that serve as a workplace for several persons;

b. requirements regarding smoking areas and their ventilation;

c. requirements concerning smoking establishments and their ventilation;

d. working conditions in smoking areas and smoking establishments;

e. exceptions to the ban on smoking provided for correctional institutions as well as for establishments for permanent or long-term lodging.

**Art.  2  **Prohibition of smoking

1 Except as provided by Arts. 4 to 7, it is prohibited to smoke in enclosed spaces accessible to the public or that serve as a workplace for several persons.

2 Workplaces for several persons are considered to be all places where workers engage in their activities on a permanent or temporary basis.

**Art.  3  **Due diligence

The operator of a place where smoking is permitted must see to it that the persons in the contiguous rooms subject to a ban on smoking are not disturbed by the smoke.

\(^1\) RS 818.31
Section 2  Smoking areas and smoking establishments

Art. 4  Requirements concerning smoking areas

1 The operator or person in charge of managing an establishment shall see to it that the smoking area:

   a. is hermetically separated from other rooms by fixed construction elements, that it does not serve as a passageway to other rooms and that it has an automatically closing door;
   b. is endowed with adequate ventilation.

2 At each entry point, smoking areas must be clearly designated as such, in prominently visible places.

3 With the exception of articles and accessories for smokers, it is prohibited to provide services there that are not offered in the rest of the establishment.

4 The following conditions apply, moreover, to smoking areas in hotel and restaurant establishments:

   a. Their surface area is restricted to one third of the total area of the facility;
   b. Their opening hours do not exceed those of the rest of the establishment.

Art. 5  Requirements concerning smoking establishments

1 Upon request, the competent cantonal authorities shall authorize a restaurant establishment to be operated as a smoking establishment if:

   a. The total surface area of the rooms accessible to the public, including the entrance area, dressing rooms and bathrooms, does not exceed 80 m²;
   b. The establishment is endowed with adequate ventilation.

2 At each entry point, smoking establishments must be clearly designated as such, in prominently visible places.

3 The following places may not be operated as smoking establishments:

   a. Places or establishments serving chiefly as restaurants in the workplace, such as staff cafeterias or canteens;
   b. Establishments whose main activity does not involve restaurant activity; except for establishments operated as part of an non-agricultural accessory activity pursuant to Art. 24b of the federal law of June 22, 1979, on land management.²

² RS 700
Art. 6 Occupation of workers in smoking areas and smoking establishments

1 Only employees who have given their consent in writing may work in smoking establishments and smoking areas of hotel and restaurant establishments.

2 Workers may be employed to test tobacco products in smoking areas as long as they have given their consent in writing to engage in such activity.

3 The special rules of protection of the federal law of March 13, 1964, on work and provisions for its implementation apply to pregnant women, nursing mothers, and young people under the age of 18.

Section 3 Special establishments

Art. 7

1 The operator or person in charge of managing an establishment may provide that smoking be permitted in rooms of the following facilities:

   a. Correctional institutions and the like;
   b. Retirement homes, medical-social facilities and the like;
   c. Hotels or other establishments for accommodation.

2 Persons in an establishment indicated in sub-paragraph 1, letter a or b, may demand to be placed in a non-smoking room.

Section 4 Final provisions

Art. 8 Amendment of the law in force

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Art. 9 Entry into force

This ordinance shall enter into force on May 1, 2010.

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3 RS 822.11
4 The amendment can be consulted in RO 2009 6289
818.311 Campaign against disease