



Das Hamburgische Passivraucherschutzgesetz (HmbPSchG) regelt den Nichtraucherschutz, u.a. in Gaststätten. Sie als Gaststättenbetreiberin bzw. Gaststättenbetreiber sind für die Einhaltung der gesetzlichen Vorgaben verantwortlich. Ihre Gaststätte ist grundsätzlich, unabhängig von der Art der Benutzung rauchfrei, es sei denn sie besteht nur aus einem Gastraum, der weniger als 75 qm beträgt und Sie bieten keine zubereiteten Speisen an. Auf das Rauchverbot muss zudem sichtbar hingewiesen werden. Bei Verstößen werden Bußgelder in Höhe von bis zu 500 Euro verhängt. Unter gewissen Voraussetzungen ist es jedoch gestattet, abgetrennte Raucherräume mit speziellen raumlufttechnischen Anlagen einzurichten.

Weiterführende Informationen haben wir für Sie auf unserer Internetseite <http://www.hamburg.de/nicht-rauchen> zusammengestellt.



La ley de protección de fumadores pasivos hamburguesa (HmbPSchG) regula la protección de no fumadores, entre otros, en restaurantes. Usted como propietario / a de restaurante es responsable del cumplimiento de las prescripciones legales. Su restaurante, independiente-mente del tipo de uso, es básicamente libre de humo de tabaco, a no ser que éste tenga un recinto de huéspedes con una superficie inferior a 75 metros cuadrados y usted no ofrezca comidas preparadas. Además, un rótulo visible tiene que señalar la prohibición de fumar. En caso de contravenciones se aplicarán multas de hasta 500 euros. No obstante, cumpliendo ciertos requisitos está permitido instalar recintos para fumadores aislados que cuenten con un sistema especial de aire acondicionado.

Otras informaciones encontrará en nuestra página Web: <http://www.hamburg.de/nicht-rauchen>.



Hamburg pasif sigara içicileri koruma yasası (HmbPSchG, restoranlar dâhil olmak üzere sigara içmeyenlerin korunmasını düzenler. Restoran işletmecisi olarak yasal hükümlerin uygulanmasından siz sorumlu olursunuz. Restoranınızın misafir alanı 75 metrekareden az olan tek bir odadan oluşması ve hazırlanmış yiyecekler sunmamanız dışında, kullanımın türüne bağlı olmaksızın restoranınızda sigara içme yasası geçerlidir. Sigara içme yasaşının açık bir şekilde belirtilmesi gerekmektedir. İhlal durumunda 500 Euro'ya varan para cezası uygulanır. Belirli koşullar altında özel havalandırma sistemine sahip ayrı odaların kurulmasına izin verilir.

Daha fazla bilgileri <http://www.hamburg.de/nicht-rauchen> adresli web sitemizde sizin için hazırladık.



Weitere Informationen zum Passivraucherschutzgesetz erhalten Sie auch auf der Internetseite: www.hamburg.de/nicht-rauchen.

Dort gibt es auch Informationen in Leichter Sprache!



Protection of non-smokers in public houses

How will the Hamburg Protection from Passive Smoking Law (HmbPSchG) be implemented?

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Tobacco smoke which is inhaled in passive smoking contains the same toxic and carcinogenic substances as the smoke inhaled by the smoker. Passive smoking is, therefore, also harmful to health. It is for this reason that the protection of non smokers has a high priority in Hamburg as it also, meanwhile, has throughout the whole of Germany.

The **Hamburg Protection from Passive Smoking Law (HmbPSchG)**, newly regulated in 2012, protects citizens from harmful passive smoke in public buildings – such as hospitals, schools and colleges, youth institutions, theatres, cinemas, museums, concert halls, sports halls, retail stores, shopping centres, authority buildings and **public houses** – with a smoking ban.

The **Hamburg Protection from Passive Smoking Act (HmbPSchV)**, which regulates the smoking ban in public houses as well as the technical requirements of **smoker rooms** and their ventilation, has been in force since 1. September 2012.

This leaflet includes the most important points for the protection of passive smokers to give you, as public house owner / manager, a clear overview of the current legal situation regarding this.

What is a public house?



“Public house” here means a **business** in which **drinks or prepared meals to be drunk / eaten on the premises** are served and which are

publically accessible to a certain person group – either **permanently** or **temporarily** (e.g. for an event). This also includes discos, clubs, canteens, association bars, marquees and comparable facilities. A “Gaststättenerlaubnis”(public house permit) is not necessarily required for this.



What does non smoker protection in public houses involve?

All **public houses** are, generally speaking, non smoking and the **smoking ban** should be clearly indicated. You may, however, create a smoker room.

What are the requirements of a smoker room?

- The smoker room may not be used as a passage / through access to other rooms. It must also be smaller than the remaining guest area.
- The doors of the smoker room must be able to close on their own.
- The smoker room must have a **ventilation / air conditioning system**.
 - With the ventilation / air conditioning system, a vacuum is created by an air duct which leads from the smoker room and is separate from the other rooms.
 - This has an independent warning system in case of a fault.
 - The effectiveness of the ventilation / air conditioning system should be certified by an expert for inside air measurement no later than three months after the start of operation.

- The ventilation / air conditioning system must be serviced at least annually and this should be documented.
- Anyone under 18 years-old is not permitted to enter the smoker room.

Is smoking permitted in public houses with only one room?

Yes if this is a public house with only one room for guests with a **guest area** of **less than 75 m²** and **prepared meals are not served** here and **persons under 18 years** are not permitted entry. Smoking public houses must be clearly labelled as such in the entrance area.



What does the “guest area” mean?

The guest area is the serving area – the area in which there are tables and chairs for guests. The “serving area” forms the concession basis and does not include other rooms such as toilets, store rooms, pantries and areas behind the bar.

What does “prepared meals” mean in the sense of the Hamburg Protection from Passive Smoking Law?

Prepared meals includes foods which require further preparation before being eaten as well as foods which do not keep for long without cooling or similar e.g. hot or cold burgers / sausages, ready-made potato salad, cheese, topped bread rolls, cake etc.

Prepared meals do not include: long life bakery products e.g. pretzel sticks, biscuits, pretzels and crisps as well as nuts, sweets, unpeeled fruit, packed chocolate and pralines.

Who is responsible for adherence to the smoking ban?

You, as the owner / manager of the public house, are responsible for ensuring that the legal requirements for the protection of non smokers are adhered and that the smoking ban is kept in the public house. The district consumer protection authorities will control adherence and suspected violations. Public house owners / managers who permit smoking will be fined up to 500 euros.

What else needs to be observed?

- The smoking ban is independent of the type of use of the establishment and is always applicable even if e.g. food is no longer eaten after a certain time.
- The smoking ban also applies to shisha cafes.
- The smoking ban also applies to events (e.g. concerts)

