

Utah Indoor Clean Air Act Checklist

The TRUTH

Current to February 2013

The Utah Indoor Clean Air Act Compliance Checklist is developed to highlight key points business managers, supervisors, and employees particularly need to be aware of. It helps identify key aspects of the statute and rule that must be addressed. If you need additional assistance, state and local health department contact and website information is listed below.

Effective in 2012 the Utah Indoor Clean Air Act generally prohibits the use of electronic cigarettes and hookah in the same places that smoking tobacco cigarettes is prohibited.

Note: There is no requirement that smoking must be allowed, even in areas that are exempted in the Utah Indoor Clean Air Act. §26-38-2(2)(o) and R392-510-4

***All Items That Apply Should Be Checked**

- ___1. Smoking is prohibited in all enclosed indoor places of public access. §26-38-3(1) "Public access is any enclosed indoor place of business, commerce, banking, financial service, or other service-related activity, whether publicly or privately owned...., to which persons not employed at the place have general and regular access or which the public uses." (Includes buildings, offices, shops, elevators, restrooms restaurants, shopping malls, arenas, theaters) § 26-38-2(2)
- ___2. Smoking is not allowed in any publicly owned buildings and offices. (Libraries, court houses, etc.) § 26-38-2(f) and §26-38-2(3)
- ___3. Outside smoking designated areas are not allowed within 25 feet of building entrances, exits, air intakes, or windows. (Ashtrays placed closer than 25 feet from these locations are signed "No Smoking", "For extinguishing cigarettes only- No Smoking", or similar and a reference to the 25 foot prohibition.) R 392-510-9(1),(2)
- ___4. There is an employee policy in place that prohibits employees from smoking within 25 feet of building entrances, exits, air intakes, or windows. R 392-510-9(3)
- ___5. Smoking may be allowed in vehicles used for work **only** when there are no ex or non-smokers present in the vehicle. R 392-510-6(3).
- ___6. In a place where smoking is prohibited entirely, a sign using the words "No Smoking is permitted in this establishment" or a similar statement which includes a universal no-smoking symbol must be posted. Signs must be easily readable and unobscured. The words "No Smoking" must be not less than 1.5" in height. R392-510-12.
- ___7. If smoking is permitted, (only allowed if section §26-38-3(2) (a), (b), or (c); §26-38-3.5 conditions are met), smoking areas must be clearly indicated by appropriate signage, HVAC systems maintained, and other requirements for those areas. §26- 38-3(2)(c), R 392-510-6, 7, 8, and 12.
- ___8. Since January 1, 2009 private clubs, taverns, and social clubs are **prohibited** from allowing smoking inside buildings and other enclosed structures or within 25 feet of entryways, exits, open windows or air intakes. § 26-38-2 (d), (p); R 392-510-9(1)

- ___9. Smoking permitted areas, if allowed by § 26-38-3(2)(a), (b), and (c), are designed and operated to prevent the drift of smoke outside the area. (If you can see or smell smoke assume drift is occurring). R 392-510-6(1), 7, and 8.
- ___10 Smoking may be allowed in guest rooms of lodging facilities but smoking is prohibited in the common areas of these facilities, including dining areas, lobbies, laundry facilities; club houses, etc; air handling systems must not allow air from smoking-allowed areas to mix with air of nonsmoking areas. §26-38-3(2)(b); R 392-510-6(1) and (2)(a), (b), (c), (d)
- ___11. Smoking is prohibited at all times in public and private elementary or secondary school buildings and the property on which those facilities are located. §26-38-2(2)(k)
- ___12. Smoking is prohibited at all times at buildings operated by social, fraternal, or religious organizations when used solely by the organization members or their guests.
§26-38-2(2)(l)
- ___13. Smoking is prohibited at any facility rented or leased for private functions from which the general public is excluded and arrangements for the function are under the control of the function sponsor. (Examples include wedding parties, conventions, and trade shows).
§26-38-2(2)(m)
- ___14. Where child care is provided, smoking is not allowed when any child, other than the child of the provider, is present. 26-38-2(2)(j)(i) and (ii).
- ___15. An employer does not discriminate or take adverse action against an employee or applicant because: that person has sought enforcement of provisions of law (§ 26-38-Chapter 38, R392-510), and/or the smoking policy of the workplace, and/or otherwise protested the smoking of others. R 392-510-13.

*This checklist is designed to answer general questions that commonly arise and to help businesses, government agencies, and other organizations comply with the Act. It does not list all requirements of the statute and rule. The checklist should not be considered legal advice and should not be considered a substitute for obtaining assistance from a qualified legal advisor. For more specific and detailed information refer to the Utah Indoor Clean Air Act Statute §26-38-1 through 9 and Rule 392-510-1 through 17.

A printer-friendly copy of this checklist can be obtained by going to:
<http://www.tobaccofreeutah.org/uicaachecklist.pdf>

State and Local Contacts

Tobacco Prevention and Control Program, Utah Department of Health

1-877-220-3466 (toll-free; in-state); (801) 538-6260

Office of Environmental Sanitation, Utah Department of Health

(801) 538-6754

Local Health Department Contacts

Check local phone listings

On the Web

For more information about the Utah Indoor Clean Air Act, developing tobacco policies, or cessation resources go to the Tobacco Prevention and Control Program website at:

Utah Indoor Clean Air Act- <http://www.tobaccofreeutah.org/uicaastat&rule.html>

Developing Tobacco Policies- <http://www.tobaccofreeutah.org/shsguide.html>

Cessation Resources- <http://www.tobaccofreeutah.org/quit-1.html>