Utah's Indoor Clean Air Act

A Guide for Complying with the Law- 2009

About the Act

The Utah Indoor Clean Air Act went into effect January 1, 1995 and was amended in 2006 and 2007. The law is designed to protect Utahns and visitors to the state from harmful exposure to secondhand tobacco smoke (SHS). It bans smoking in most public places, including private businesses.

What the Law Requires

The Act:

Prohibits the possession of lighted tobacco products in enclosed places of public access and publicly owned buildings and offices. §26-38-3(1)

Under very specific circumstances allows for limited exceptions under § 26-38-3(2)

When in Doubt

If in doubt about the smoking status of a place, assume no smoking is allowed until clarified by your local health department or the Utah Department of Health.

It's Easy to Comply With the Utah Indoor Clean Air Act

Publicly Accessible Places

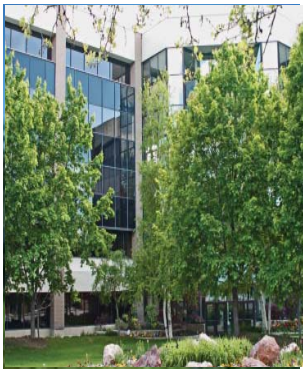
Place of public access means any enclosed indoor place business, commerce, banking, financial service, or other service-related activity to which the persons not employed at the place of public access have regular and general access. The designation applies whether the place is publicly or privately owned and whether operated for profit or not. To determine the status of your own business or the place you are visiting refer to §26-38-2.

Select Examples

- Buildings, offices, shops, rest rooms, elevators
- Means of transportation, common carrier waiting areas
- Restaurants, cafes, cafeterias
- Taverns or cabarets and clubs
- Shopping malls, retail stores, grocery stores, or arcades
- Libraries, theaters, concert halls, museums, art galleries, planetariums, historical sites, auditoriums, or arenas
- Barber shops, hair salons, Laundromats
- Buildings owned, rented or leased or operated by social, fraternal, or religious organizations

Specific Examples

- Common areas of nursing homes, hospitals, resorts, motels, hotels, "bed and breakfast" lodging facilities
- Child care facilities, including those in private homes



- Public or private elementary or secondary schools and their grounds

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While publicly accessible areas are not required to have a written employee policy, employers are encouraged to develop written tobacco policies and to review them on a routine basis.

The 25 Foot Rule

R 392-510-9 requires employers to establish a policy that prohibits employee smoking within 25 feet of any entrance-way, exit, open window, or air intake of a building where smoking is prohibited.

It also prohibits building owners, agents, or operators of a place from designating an outdoor smoking permitted area within 25 feet of the above locations next to a building where smoking is prohibited.

Who Enforces the Law?

Building owners, agents. or operators of places where smoking is prohibited under §26-38-3(1) are required to enforce the law by asking persons to extinguish any lighted tobacco products where smoking is prohibited. If the person refuses, he/she must be asked to leave the premises as per §26-38-7.

Employers have a duty to assure employees comply with workplace smoking policies.

Local health departments and the Utah Department of Health are charged with investigating complaints regarding violations and for enforcing the Utah Indoor Clean Air Act .

Penalties for Violations

A person in possession of a lighted tobacco product in a smoking prohibited area as per §26-38-3 or 4 is subject to a civil penalty of not more than $100 for the first violation and not less than $100 but no more than $500 for subsequent violations.

The statute and rule also place duties on owners, agents, and operators. In cases where compliance is not carried out a civil penalty of up to $10,000 per occurrence may be imposed by local or state health departments and Class B or A misdemeanor charges may be filed.

The scientific evidence indicates there is no risk-free level of exposure to secondhand smoke.
U.S. Surgeon General Report, 2006

Resources to Help

Utah Department of Health

Tobacco Prevention and Control Program
1-(877)-220-3466; or (801) 538-6260
Environmental Sanitation Program
(801) 538-6754

Local Health Departments

- **Bear River Health Department** Box Elder, Cache, Rich Counties (435) 792-6507
- **Central Utah Public Health Department –** Juab, Millard, Piute, Sanpete, Sevier, Wayne Counties (435) 896-5451
- **Davis County Health Department–** Davis County (801) 451-3296
- **Salt Lake City/County Health Department–** Salt Lake County (801) 313-6641
- **Southeastern Utah Health Department–** Carbon, Emery, Grand, San Juan Counties (435) 637-3671
- **Southwest Utah Public Health Department–** Beaver, Garfield, Iron, Kane, Washington Counties (435) 673-3528; (435) 586-2437
- **Summit County Health Department–** Summit County (435) 336-4451
- **Tooele County Health Department–** Tooele County- (435)277-2440
- **TriCounty Health Department–** Daggett, Duchesne, Uintah Counties (435) 781-5473
- **Utah County Health Department–** Utah County- (801) 370-8700
- **Wasatch County Health Department-** Wasatch County (435) 654-2700
- **Weber/Morgan Health Department-** Morgan, Weber Counties (801) 7176

Internet Resources

Tobacco Prevention and Control Program
http://www.tobaccofreeutah.org

Environmental Sanitation Program
http;//www.health.utah.gov/epi/envsvc

Quitting Resources

Utah Quit Line
1-888-567-8788