

1 **SMOKE FREE AIRPORTS**

2 1999 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Jordan Tanner**

5 AN ACT RELATING TO HEALTH; REQUIRING THAT SEPARATE ENCLOSED SMOKING  
6 AREAS BE CONSTRUCTED AND IN USE BEFORE JULY 1, 1999, TO QUALIFY FOR  
7 THE AIRPORT EXCEPTION TO THE INDOOR CLEAN AIR ACT; AND PROVIDING AN  
8 EFFECTIVE DATE.

9 This act affects sections of Utah Code Annotated 1953 as follows:

10 AMENDS:

11 **26-38-3**, as enacted by Chapter 281, Laws of Utah 1994

12 *Be it enacted by the Legislature of the state of Utah:*

13 Section 1. Section **26-38-3** is amended to read:

14 **26-38-3. Restriction on smoking in public places and in specified places --**

15 **Exceptions.**

16 (1) Smoking is prohibited in all enclosed indoor places of public access and publicly  
17 owned buildings and offices, except under Subsection (2).

18 (2) Subsection (1) does not apply to:

19 (a) (i) any building owned, rented, leased, or otherwise operated by a social, fraternal, or  
20 religious organization when used solely by the organization members or their guests or families;  
21 or

22 (ii) any facility rented or leased for private functions from which the general public is  
23 excluded and arrangements for the function are under the control of the function sponsor;

24 (b) workplace smoking areas as provided in Section 26-38-5;

25 (c) areas not commonly open to the public of owner-operated businesses having no  
26 employees other than the owner-operator;

27 (d) guest rooms in hotels, motels, "bed and breakfast" lodging facilities, and other similar

28 lodging facilities, but smoking is prohibited under Subsection (1) in the common areas of these  
29 facilities, including dining areas and lobby areas;  
30 (e) taverns, as defined in Section 32A-1-105;  
31 (f) private clubs; and  
32 (g) separate enclosed smoking areas:  
33 (i) located in the passenger terminals of an international airport located in ~~the~~ a city of  
34 the first class;  
35 (ii) vented directly to the outdoors; ~~and~~  
36 (iii) certified, by a heating, ventilation, and air conditioning engineer licensed by the state,  
37 to prevent the drift of any smoke to any nonsmoking area of the terminal[-]; and  
38 (iv) constructed and in use as a separate enclosed smoking area before July 1, 1999.  
39 **Section 2. Effective date.**  
40 This act takes effect on July 1, 1999.

---

---

**Legislative Review Note  
as of 12-21-98 9:43 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**