

Senator Ron Allen proposes the following substitute bill:

AMENDMENTS TO INDOOR CLEAN AIR ACT

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: Michael G. Waddoups

LONG TITLE

General Description:

This bill amends the Indoor Clean Air Act to prohibit smoking in all indoor public places and private clubs.

Highlighted Provisions:

This bill:

- ▶ removes all exemptions from the Indoor Clean Air Act;
 - ▶ repeals the section of the Indoor Clean Air Act that grandfathered adjoining private clubs and public places that shared ventilation systems and were built prior to 1995;
- and
- ▶ makes technical amendments.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

26-38-8, as enacted by Chapter 281, Laws of Utah 1994

REPEALS:



26 **26-38-4**, as enacted by Chapter 281, Laws of Utah 1994



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

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

30 **26-38-3. Restriction on smoking in public places and in specified places --**

31 **Exceptions.**

32 ~~[(1)] Smoking is prohibited in:~~

33 ~~(1) all enclosed indoor places of public access and publicly owned buildings and~~
34 ~~offices~~[-except under Subsection (2)-]; and~~~~

35 ~~(2) private clubs as defined in Section 26-38-2.~~

36 ~~[(2) Subsection (1) does not apply to:]~~

37 ~~[(a) (i) any building owned, rented, leased, or otherwise operated by a social, fraternal,~~
38 ~~or religious organization when used solely by the organization members or their guests or~~
39 ~~families; or]~~

40 ~~[(ii) any facility rented or leased for private functions from which the general public is~~
41 ~~excluded and arrangements for the function are under the control of the function sponsor;]~~

42 ~~[(b) workplace smoking areas as provided in Section 26-38-5;]~~

43 ~~[(c) areas not commonly open to the public of owner-operated businesses having no~~
44 ~~employees other than the owner-operator;]~~

45 ~~[(d) guest rooms in hotels, motels, "bed and breakfast" lodging facilities, and other~~
46 ~~similar lodging facilities, but smoking is prohibited under Subsection (1) in the common areas~~
47 ~~of these facilities, including dining areas and lobby areas;]~~

48 ~~[(e) taverns, as defined in Section 32A-1-105;]~~

49 ~~[(f) private clubs; and]~~

50 ~~[(g) separate enclosed smoking areas:]~~

51 ~~[(i) located in the passenger terminals of an international airport located in the city of~~
52 ~~the first class;]~~

53 ~~[(ii) vented directly to the outdoors; and]~~

54 ~~[(iii) certified, by a heating, ventilation, and air conditioning engineer licensed by the~~
55 ~~state, to prevent the drift of any smoke to any nonsmoking area of the terminal.]~~

56 Section 2. Section **26-38-8** is amended to read:

57 **26-38-8. Penalties.**

58 (1) A first violation of Section 26-38-3[~~26-38-4~~,] or 26-38-5 is subject to a civil
59 penalty of not more than \$100.

60 (2) Any second or subsequent violation of Section 26-38-3[~~26-38-4~~,] or 26-38-5 is
61 subject to a civil penalty of not less than \$100 and not more than \$500.

62 **Section 3. Repealer.**

63 This bill repeals:

64 Section **26-38-4, Adjoining private clubs and public places -- Grandfather**
65 **provisions.**