

1 **SMOKE FREE AIRPORTS**

2 2000 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, 2000, TO QUALIFY FOR THE
7 AIRPORT EXCEPTION TO THE INDOOR CLEAN AIR ACT.

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

9 AMENDS:

10 **26-38-3**, as enacted by Chapter 281, Laws of Utah 1994

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

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

13 **26-38-3. Restriction on smoking in public places and in specified places --**

14 **Exceptions.**

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

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

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

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

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

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

26 (d) guest rooms in hotels, motels, "bed and breakfast" lodging facilities, and other similar
27 lodging facilities, but smoking is prohibited under Subsection (1) in the common areas of these

HB0190

- 28 facilities, including dining areas and lobby areas;
- 29 (e) taverns, as defined in Section 32A-1-105;
- 30 (f) private clubs; and
- 31 (g) separate enclosed smoking areas:
- 32 (i) located in the passenger terminals of an international airport located in [~~the~~] a city of
- 33 the first class;
- 34 (ii) vented directly to the outdoors; [~~and~~]
- 35 (iii) certified, by a heating, ventilation, and air conditioning engineer licensed by the state,
- 36 to prevent the drift of any smoke to any nonsmoking area of the terminal[-]; and
- 37 (iv) constructed and in use as a separate enclosed smoking area before July 1, 2000.

Legislative Review Note
as of 12-8-99 11:52 AM

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

Office of Legislative Research and General Counsel