

INDOOR CLEAN AIR ACT AMENDMENTS

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Carl R. Saunders

This act modifies the Utah Indoor Clean Air Act. This act limits the smoking exemptions for social, fraternal, and religious organizations and private functions to functions not including persons under 19 years of age. This act limits the smoking exemption for lodging facility guest rooms to rooms that are specifically designated and disclosed to customers as "smoking rooms." This act limits the smoking exemption for private clubs to times when persons under 19 years of age are not present. This act limits the exemption for enclosed smoking areas in airports to those areas constructed before July 1, 2001.

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

AMENDS:

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

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

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

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

Exceptions.

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

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

(a) (i) any building owned, rented, leased, or otherwise operated by a social, fraternal, or religious organization when used solely by the organization members [or], their guests, or their families for functions not including persons under 19 years of age; or

(ii) any facility rented or leased for private functions from which the general public [is] and persons under 19 years of age are excluded and for which arrangements [~~for the function~~] are under the control of the function sponsor;



- 28 (b) workplace smoking areas as provided in Section 26-38-5;
- 29 (c) areas not commonly open to the public of owner-operated businesses having no
30 employees other than the owner-operator;
- 31 (d) guest rooms in hotels, motels, "bed and breakfast" lodging facilities, and other similar
32 lodging facilities that are specifically designated and disclosed to customers as "smoking rooms,"
33 but smoking is prohibited under Subsection (1) in the common areas of these facilities, including
34 dining areas and lobby areas;
- 35 (e) taverns, as defined in Section 32A-1-105;
- 36 (f) private clubs when persons under 19 years of age are not present; and
- 37 (g) separate enclosed smoking areas:
 - 38 (i) located in the passenger terminals of an international airport located in the city of the
39 first class;
 - 40 (ii) vented directly to the outdoors; [~~and~~]
 - 41 (iii) certified, by a heating, ventilation, and air conditioning engineer licensed by the state,
42 to prevent the drift of any smoke to any nonsmoking area of the terminal[-]; and
 - 43 (iv) constructed and in use as separate enclosed smoking areas before July 1, 2001.

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

Office of Legislative Research and General Counsel