

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 remove the exemption for private clubs that are licensed as dining clubs and taverns.

Highlighted Provisions:

This bill:

- ▶ removes the exemption for private clubs that are licensed as dining clubs and taverns from the Indoor Clean Air Act; 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

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 --



26 **Exceptions.**

27 (1) ~~[Smoking]~~ Except as provided in Subsection (2), smoking is prohibited in:

28 (a) all enclosed indoor places of public access and publicly owned buildings and
29 offices~~[, except under Subsection (2).]; and~~

30 (b) private clubs holding a class C dining club liquor license under Title 32A, Chapter
31 5, Private Club Liquor Licenses.

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

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

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

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

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

41 (d) guest rooms in hotels, motels, "bed and breakfast" lodging facilities, and other
42 similar lodging facilities, but smoking is prohibited under Subsection (1) in the common areas
43 of these facilities, including dining areas and lobby areas;

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

45 ~~[(f)]~~ (e) private clubs licensed as class A, B, and D clubs under Title 32A, Chapter 5,
46 Private Club Liquor Licenses; and

47 ~~[(g)]~~ (f) separate enclosed smoking areas:

48 (i) located in the passenger terminals of an international airport located in the city of
49 the first class;

50 (ii) vented directly to the outdoors; and

51 (iii) certified, by a heating, ventilation, and air conditioning engineer licensed by the
52 state, to prevent the drift of any smoke to any nonsmoking area of the terminal.