

# S.B. 19

## AMENDMENTS TO INDOOR CLEAN AIR ACT

Representative **John Dougall** proposes the following amendments:

1. *Page 1, Lines 9 through 11:*

9 This bill amends the Indoor Clean Air Act {~~to extend smoking prohibitions to taverns,~~  
10 ~~private clubs, buildings owned or operated by social and fraternal organizations, and~~  
11 ~~certain nonpublic workplaces~~} .

2. *Page 1, Lines 18 through 19:*

18 • buildings owned or operated by social or fraternal organizations; {~~and~~}  
19 • certain workplaces; and  
• certain outdoor locations;

3. *Page 2, Line 42 through Page 3, Line 75:*

42 (1) "Place of public access" means :  
(a) any enclosed indoor place of business, commerce,  
43 banking, financial service, or other service-related activity, whether publicly or privately owned  
44 and whether operated for profit or not, to which persons not employed at the place of public  
45 access have general and regular access or which the public uses, including:  
46 {~~(a)~~} (i) buildings, offices, shops, elevators, or restrooms;  
47 {~~(b)~~} (ii) means of transportation or common carrier waiting rooms;  
48 {~~(c)~~} (iii) restaurants, cafes, or cafeterias;  
49 {~~(d)~~} (iv) taverns as defined in Section 32A-1-105, or cabarets;  
50 {~~(e)~~} (v) shopping malls, retail stores, grocery stores, or arcades;  
51 {~~(f)~~} (vi) libraries, theaters, concert halls, museums, art galleries, planetariums, historical  
52 sites, auditoriums, or arenas;  
53 {~~(g)~~} (vii) barber shops, hair salons, or laundromats;  
54 {~~(h)~~} (viii) sports or fitness facilities;  
55 {~~(i)~~} (ix) common areas of nursing homes, hospitals, resorts, hotels, motels, "bed and  
56 breakfast" lodging facilities, and other similar lodging facilities, including the lobbies,  
57 hallways, elevators, restaurants, cafeterias, other designated dining areas, and restrooms of any  
58 of these;  
59 {~~(j)~~} (x) any child care facility subject to licensure under this title, including those operated  
60 in private homes, when any child cared for under that license is present;

61            ~~{(k)}~~    (xi)    public or private elementary or secondary school buildings and educational  
62 facilities or the property on which those facilities are located, but adults may smoke in  
63 designated smoking areas in private schools or educational facilities or on the grounds of  
64 private schools or facilities during nonschool hours; ~~[and]~~  
65            ~~{(f)}~~    (xii)    any building owned, rented, leased, or otherwise operated by a social, fraternal, or  
66 religious organization when used solely by the organization members or their guests or  
67 families;  
68            ~~{(m)}~~    (xiii)    any facility rented or leased for private functions from which the general public is  
69 excluded and arrangements for the function are under the control of the function sponsor;  
70            ~~{(n)}~~    (xiv)    any workplace that is not a place of public access or a publicly owned building or  
71 office but has one or more employees who are not owner-operators of the business;  
72            ~~{(t)}~~    ~~{(o)}~~    (xv)    any area where the proprietor or manager of the area has posted a conspicuous  
73 sign stating "no smoking", "thank you for not smoking", or similar statement[-]; and  
74            ~~{(2)}~~ "Private club" means a]    ~~{(p)}~~    (xvi)    any private club licensed under Title 32A, Chapter 5,  
75 Private Club Liquor Licenses    ~~{(r)}~~    ; and

**(b) the following outdoor places of public access, whether publicly or privately owned and whether operated for profit or not, to which persons at the place of public access have general and regular access or which the public uses:**

**(i) "service lines," which:**

**(A) means any line in which one or more people are waiting for or receiving service of any kind, whether or not the service involves the exchange of money; and**

**(B) includes:**

**(I) lines for automatic teller machines, banks, or food; and**

**(II) any area within 25 feet of the service line; and**

**(ii) "playgrounds," which means any area located in a park with public access that is within 25 feet of any equipment or facility intended for use by children, when children are present.**

4. Page 3, Lines 84 through 86:

84            (1) ~~[Smoking]~~ Except as provided in Subsection (2), smoking is prohibited :  
85            (a)    in all  
86 enclosed indoor places of public access and publicly owned buildings and offices~~[-except~~  
86 ~~under Subsection (2)]~~ ; and

**(b) in all outdoor places of public access as defined in Subsection 26-38-2(1)(b) .**