

**Representative Curtis Oda** proposes the following substitute bill:

**INDOOR SMOKING AMENDMENTS**

2007 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Curtis Oda**

Senate Sponsor: John W. Hickman

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**LONG TITLE**

**General Description:**

This bill amends the Indoor Clean Air Act.

**Highlighted Provisions:**

This bill:

- ▶ permits smoking in class B fraternal organizations until January 1, 2009 if:
  - the class B club is licensed prior to May 15, 2006; and
  - there are no children allowed in the class B club; and
- ▶ amends provisions for Class D clubs and taverns that were licensed prior to May 15, 2006, to permit those clubs that have a change in ownership after May 15, 2006 to retain their smoking status until January 1, 2009.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**26-38-3**, as last amended by Chapter 202, Laws of Utah 2006

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

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

28 **26-38-3. Restriction on smoking in public places and in specified places --**

29 **Exceptions.**

30 (1) Except as provided in Subsection (2), smoking is prohibited in all enclosed indoor  
31 places of public access and publicly owned buildings and offices.

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

33 (a) areas not commonly open to the public of owner-operated businesses having no  
34 employees other than the owner-operator;

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

38 (c) before January 1, 2009, taverns, as defined in Section 32A-1-105, that are:

39 (i) licensed on or before May 15, 2006; or

40 ~~[(d) (i) before January 1, 2007, class A, B, and C private clubs, as defined in Section~~  
41 ~~32A-5-101;]~~

42 (ii) licensed on or before May 15, 2006 and after May 15, 2006 undergo a change in  
43 ownership;

44 ~~[(ii)] (d) before January 1, 2009, class D private clubs, as defined in Section~~  
45 ~~32A-5-101, that are:~~

46 (i) licensed on or before May 15, 2006; ~~[and]~~ or

47 (ii) licensed on or before May 15, 2006 and after May 15, 2006 undergo a change in  
48 ownership;

49 (e) before January 1, 2009, class B private clubs, as defined in Section 32A-5-101 that:

50 (i) are licensed:

51 (A) on or before May 15, 2006; or

52 (B) on or before May 15, 2006 and after May 15, 2006 undergo a change in ownership;

53 and

54 (ii) do not permit ~~H~~→ [anyone] an individual ←~~H~~ under the age of 21 in the class B  
54a private club ~~H~~→ ,unless the individual is active military ←~~H~~ ; and

55 ~~[(e)] (f) separate enclosed smoking areas:~~

56 (i) located in the passenger terminals of an international airport located in the city of

57 the first class;  
58           (ii) vented directly to the outdoors; and  
59           (iii) certified, by a heating, ventilation, and air conditioning engineer licensed by the  
60 state, to prevent the drift of any smoke to any nonsmoking area of the terminal.