

INDOOR SMOKING AMENDMENTS

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis Oda

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends the Indoor Clean Air Act.

Highlighted Provisions:

This bill:

- ▶ permits smoking in fraternal organizations, class B private clubs, until January 1, 2009.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill provides an immediate effective date.

Utah Code Sections Affected:

AMENDS:

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

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



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

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

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

34 (c) before January 1, 2009[;];

35 (i) taverns, as defined in Section 32A-1-105, that are licensed on or before May 15,
36 2006; and

37 [~~(d) (i) before January 1, 2007, class A, B, and C private clubs, as defined in Section~~
38 ~~32A-5-101;~~]

39 [~~(ii) before January 1, 2009, class D private clubs, as defined in Section 32A-5-101,~~
40 ~~that are licensed on or before May 15, 2006; and]~~

41 (ii) class B and class D private clubs, as defined in Section 32A-5-101, that are
42 licensed on or before May 15, 2006; and

43 [~~(e)~~] (d) separate enclosed smoking areas:

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

46 (ii) vented directly to the outdoors; and

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

49 Section 2. **Effective date.**

50 If approved by two-thirds of all the members elected to each house, this bill takes effect
51 upon approval by the governor, or the day following the constitutional time limit of Utah
52 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,
53 the date of veto override.

H.B. 273 - Indoor Smoking Amendments

Fiscal Note

2007 General Session
State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

1/24/2007, 8:15:11 AM, Lead Analyst: Greer, W.

Office of the Legislative Fiscal Analyst