

UTAH INDOOR CLEAN AIR ACT**AMENDMENTS**

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Neil A. Hansen

Senate Sponsor: _____

LONG TITLE**General Description:**

This bill provides an exception to the Utah Indoor Clean Air Act.

Highlighted Provisions:

This bill:

- excludes from the smoking prohibition of the Utah Indoor Clean Air Act, a business that receives at least 25% of its annual gross receipts from the on-site sale of tobacco; and

- makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:****26-38-3**, as last amended by Laws of Utah 2007, Chapter 20

*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.

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

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

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

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

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

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

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

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

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

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

(i) are licensed:

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

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

and

(ii) do not permit an individual under the age of 21 in the class B private club, unless the individual is active military; ~~and~~

(f) separate enclosed smoking areas:

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

(ii) vented directly to the outdoors; and

(iii) certified, by a heating, ventilation, and air conditioning engineer licensed by the state, to prevent the drift of any smoke to any nonsmoking area of the terminal[-]; and

59 (g) a business that receives at least 25% of its annual gross receipts from the on-site
60 sale of tobacco.

Legislative Review Note
as of 10-20-08 10:37 AM

Office of Legislative Research and General Counsel

H.B. 217 - Utah Indoor Clean Air Act Amendments

Fiscal Note

2009 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 or local governments. Businesses that sell tobacco products may benefit from increased revenues.
