

INDOOR CLEAN AIR ACT AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lee B. Perry

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends the Utah Indoor Clean Air Act.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ amends the definition of a place of public access to include vehicles; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26-38-2, as last amended by Laws of Utah 2012, Chapter 171

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

Section 1. Section **26-38-2** is amended to read:

26-38-2. Definitions.

As used in this chapter:

- (1) "E-cigarette":



28 (a) means any electronic oral device:
29 (i) that provides a vapor of nicotine or other substance; and
30 (ii) [~~which~~] that simulates smoking through its use or through inhalation of the device;

31 and

32 (b) includes an oral device that is:
33 (i) composed of a heating element, battery, or electronic circuit; and
34 (ii) marketed, manufactured, distributed, or sold as:
35 (A) an e-cigarette;
36 (B) e-cigar;
37 (C) e-pipe; or
38 (D) any other product name or descriptor, if the function of the product meets the
39 definition of Subsection (1)(a).

40 (2) "Place of public access" means any enclosed indoor place of business, commerce,
41 banking, financial service, or other service-related activity, whether publicly or privately owned
42 and whether operated for profit or not, to which persons not employed at the place of public
43 access have general and regular access or [~~which~~] that the public uses, including:

44 (a) buildings, offices, shops, elevators, or restrooms;
45 (b) means of transportation or common carrier waiting rooms;
46 (c) restaurants, cafes, or cafeterias;
47 (d) taverns as defined in Section 32B-1-102, or cabarets;
48 (e) shopping malls, retail stores, grocery stores, or arcades;
49 (f) libraries, theaters, concert halls, museums, art galleries, planetariums, historical
50 sites, auditoriums, or arenas;

51 (g) barber shops, hair salons, or laundromats;
52 (h) sports or fitness facilities;
53 (i) common areas of nursing homes, hospitals, resorts, hotels, motels, "bed and
54 breakfast" lodging facilities, and other similar lodging facilities, including the lobbies,
55 hallways, elevators, restaurants, cafeterias, other designated dining areas, and restrooms of any
56 of these;

57 (j) (i) any child care facility or program subject to licensure or certification under this
58 title, including those operated in private homes, when any child cared for under that license is

59 present; and

60 (ii) any child care, other than child care as defined in Section 26-39-102, that is not
61 subject to licensure or certification under this title, when any child cared for by the provider,
62 other than the child of the provider, is present;

63 (k) public or private elementary or secondary school buildings and educational
64 facilities or the property on which those facilities are located;

65 (l) 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) 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) any workplace, including a vehicle, that is not a place of public access or a publicly
71 owned building or office but has one or more employees who are not owner-operators of the
72 business;

73 (o) any area where the proprietor or manager of the area has posted a conspicuous sign
74 stating "no smoking", "thank you for not smoking", or a similar statement; and

75 (p) a holder of a club license, as defined in Section 32B-1-102.

76 (3) "Publicly owned building or office" means any enclosed indoor place or portion of
77 a place owned, leased, or rented by any state, county, or municipal government, or by any
78 agency supported by appropriation of, or by contracts or grants from, funds derived from the
79 collection of federal, state, county, or municipal taxes.

80 (4) "Smoking" means:

81 (a) the possession of any lighted or heated tobacco product in any form;

82 (b) inhaling, exhaling, burning, or heating a substance containing tobacco or nicotine
83 intended for inhalation through a cigar, cigarette, pipe, or hookah;

84 (c) except as provided in Section 26-38-2.6, using an e-cigarette; or

85 (d) using an oral smoking device intended to circumvent the prohibition of smoking in
86 this chapter.

Legislative Review Note
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Office of Legislative Research and General Counsel