



# Utah Indoor Clean Air Act Checklist

Current to 2-28-2008

The Utah Indoor Clean Air Act Compliance Checklist is developed to highlight key points business managers, supervisors, and employees particularly need to be aware of. It is not designed to replace or supercede the requirements stated in §26-38-1 to 9 and Administrative Rule 392-510-1 to 14. It helps identify key aspects of the statute and rule that must be addressed.

If you need additional assistance, state and local health department contact and website information is listed below.

**Note: There is no requirement that smoking must be allowed, even in areas that are exempted in the Utah Indoor Clean Air Act. §26-38-2(1)(o) and R392-510-4**

## All Items That Apply Should Be Checked

- \_\_\_ 1. Smoking is prohibited in all enclosed indoor places of public access. §26-38-3(1) "Public access is any enclosed indoor place of business, commerce, banking, financial service, or other service-related activity, whether publicly or privately owned...., to which persons not employed at the place have general and regular access or which the public uses." (Includes buildings, offices, shops, elevators, restrooms restaurants, shopping malls, arenas, theaters) § 26-38-2(1)
- \_\_\_ 2. Smoking is not allowed in any publicly owned buildings and offices. (Libraries, court houses, etc.) § 26-38-2(1)
- \_\_\_ 3. Outside smoking designated areas are not allowed within 25 feet of building entrances, exits, air intakes, or windows. (Ashtrays placed closer than 25 feet from these locations are signed "No Smoking", "For extinguishing cigarettes only- No Smoking", or similar and a reference to the 25 foot prohibition.) R 392-510-9(1) and (2).
- \_\_\_ 4. There is an employee policy in place that prohibits employees from smoking within 25 feet of building entrances, exits, air intakes, or windows. R 392-510-9(3)
- \_\_\_ 5. Smoking may be allowed in vehicles used for work **only** when there are no ex or non-smokers present in the vehicle. R 392-510-6(4).
- \_\_\_ 6. In a place where smoking is prohibited entirely, a sign using the words "No Smoking is permitted in this establishment" or a similar statement which includes a universal no-smoking symbol must be posted. Signs must be easily readable and unobscured. The words "No Smoking" must be not less than 1.5" in height. R392-510-12.
- \_\_\_ 7. If smoking is permitted, (only allowed if section §26-38-3(2) (a), (b), (c), (d), (e), or (f); §26-38-3.5 conditions are met), smoking areas must be clearly indicated

- by appropriate signage, HVAC, and other requirements for those areas. §26- 38-3 and 4, R 392-510-6, 7, 8, and 12.
- \_\_\_8. Private clubs and taverns may allow smoking according to the following schedule:
    - a. Class A and C private clubs- Smoke-free since January 1, 2007.
    - b. Class B and D private clubs and Taverns licensed on or before May 15, 2006- Until January 1, 2009.
    - c. Class B and D private clubs and taverns that were licensed on or before May 15, 2006 and undergo a change in ownership. Until January 1, 2009. §26-38-3(2)(c), (d), (e).
  - \_\_\_9. Smoking permitted areas are designed and operated to prevent the drift of smoke outside the area. (If you can see or smell smoke assume drift is occurring). R 392-510-6(1), 7, and 8.
  - \_\_\_10. Smoking may be allowed in guest rooms of lodging facilities but smoking is prohibited in the common areas of these facilities, including dining areas, lobbies, laundry facilities; club houses, etc; air handling systems must not allow air from smoking-allowed areas to mix with air of nonsmoking areas. §26-38-3(2)(b); R 392-510-6(2)(a), (b), (c).
  - \_\_\_11. Smoking is prohibited at all times in public and private elementary or secondary school buildings and the property on which those facilities are located. §26-38-2(1)(k)
  - \_\_\_12. Smoking is prohibited at all times at buildings operated by social, fraternal, or religious organizations when used solely by the organization members or their guests unless they meet one of the exemptions listed in #7 above §26-38-2(1)(l)
  - \_\_\_13. Smoking is prohibited at any facility rented or leased for private functions from which the general public is excluded and arrangements for the function are under the control of the function sponsor. (Examples include wedding parties, conventions, and trade shows). §26-38-2(1)(m)
  - \_\_\_14. Where child care is provided, smoking is not allowed when any child, other than the child of the provider, is present. 26-38-2(1)(j)(i) and (ii).
  - \_\_\_15. An employer does not discriminate or take adverse action against an employee or applicant because: that person has sought enforcement of provisions of law (§ 26-38-Chapter 38, R392-510), and/or the smoking policy of the workplace, and/or otherwise protested the smoking of others. R 392-510-14.

This checklist is designed to answer general questions that commonly arise and to help businesses, government agencies, and other organizations comply with the Act. It does not list all requirements of the statute and rule. For more specific and detailed information refer to the Utah Indoor Clean Air Act Statute §26-38-1 to 9 and Administrative Rule 392-510-1 to 14.

## **State and Local Contacts**

### **Tobacco Prevention and Control Program, Utah Department of Health**

1-877-220-3466 (toll-free; in-state); (801) 538-6260

### **Office of Environmental Sanitation, Utah Department of Health**

(801) 538-6754

### **Local Health Department Contacts**

Check local phone listings

## **On the Web**

For more information about the Utah Indoor Clean Air Act, developing tobacco policies, or cessation resources go to the Tobacco Prevention and Control Program website at:

**Utah Indoor Clean Air Act-** <http://www.tobaccofreeutah.org/uicaastat&rule.html>

**Developing Tobacco Policies-** <http://www.tobaccofreeutah.org/shsguide.html>

**Cessation Resources-** <http://www.tobaccofreeutah.org/quit-1.html>

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