

# NEVADA CLEAN INDOOR AIR ACT

## A Guide for Restaurants and Bars

Effective Dec. 8, 2006, the Nevada Clean Indoor Air Act prohibits the smoking of tobacco products in most public places and indoor places of employment.

### Where is smoking prohibited?

The Act states that smoking tobacco in any form is prohibited within indoor places of employment including:

- Public and private school buildings and on public and private school grounds
- Child care facilities with five or more children
- All areas of grocery stores, convenience stores, and drug stores
- All indoor areas within restaurants, including those in casinos or gaming establishments
- Bars, taverns and saloons that serve food
- Shopping malls and retail establishments
- Video arcades
- Government buildings and public places
- Movie theaters

### Where is smoking permitted?

The Act states that smoking is permitted in:

- Areas within casinos where loitering by minors is already prohibited by state law per NRS 463.350
- Stand-alone bars, taverns and saloons that do not serve food
- Strip clubs and brothels
- Retail tobacco stores
- Private residences, including private residences that may serve as an office workplace, except if used as a child care, adult day care or health care facility

### Why was the Nevada Clean Indoor Air Act passed?

The Act was passed in order to protect the public from secondhand smoke. Secondhand smoke, also called environmental tobacco smoke, is a combination of smoke from the burning end of a cigarette, cigar or pipe and the smoke exhaled by smokers. The U.S. Environmental Protection Agency reports that secondhand smoke contains more than 4,000 substances, many of which are known to cause cancer in humans. In 2006, the U.S. Surgeon General released a comprehensive report stating that there is no risk-free level of secondhand smoke exposure.

### What restaurants and bars are included in the Act?

Any business that provides or sells food, with or without alcoholic beverages, must be completely smoke-free indoors. This includes kitchens and catering facilities in which food is prepared on the premises but served elsewhere. Restaurants that are contained within gaming establishments or casinos must also be smoke-free indoors.

### What about smoking in an outdoor section of a restaurant or bar?

Outdoor areas of restaurants and bars are not required to be smoke-free.

### What if I don't serve food in my bar?

Any stand-alone bar, tavern or saloon in which food service is incidental to its operations is not required to be smoke-free. Incidental food service means the service of prepackaged food items including, but not

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limited to, peanuts, popcorn, chips, pretzels or any other food items that are exempt from food licensing requirements.

A stand-alone bar also must be housed in (1) a physically independent building that does not share a common entryway or indoor area with any place where smoking is prohibited, or (2) a completely enclosed area that is part of a larger structure, provided that windows remain shut at all times and doors are closed when not actively in use. In order for an area to be considered “completely enclosed,” it must be enclosed on all sides by any combination of solid walls, windows or doors that extend from the floor to the ceiling.

### **What does the Act require me to do?**

Smoking is prohibited in restaurants and bars that are not excluded in the Act. Employers must post conspicuous “No Smoking” signs at every entrance. Employers are also required to remove all ashtrays and other smoking paraphernalia from their smoke-free facilities.

Free, downloadable “No Smoking” signs are available on the health district website and can be accessed at [www.SouthernNevadaHealthDistrict.org](http://www.SouthernNevadaHealthDistrict.org) or [www.gethealthyclarkcounty.org](http://www.gethealthyclarkcounty.org).

### **What should I do if customers or employees insist on smoking?**

The purpose of the Act is to protect others from the harmful effects of secondhand smoke. You and your staff may take reasonable steps to ensure compliance with the Act. These steps can include reminding the smoker that he or she is in a non-smoking area and referencing the “No Smoking” signs. If the smoker refuses to comply with the law, inform him that he could be subject to civil penalties for violating the Act. If the patron continues to smoke, you may wish to politely ask him to leave the premises.

### **How will the Act be enforced?**

Compliance with the Act, including the posting of conspicuous signs at every entrance and the removal of ashtrays and other smoking paraphernalia, is the responsibility of the employer. The health district has the duty to enforce the provisions of the Act and to issue citations for violations. Individuals may be cited for smoking in areas where it is prohibited, and employers may be cited for failure to post signs and/or failure to remove ashtrays and other smoking paraphernalia.

### **What are the penalties for violations of the Act?**

Currently, violators of the Act are liable for a civil penalty of \$100 for each violation.

### **How can I report violations of the Nevada Clean Indoor Air Act?**

Violations can be reported by accessing a complaint form on the Southern Nevada Health District’s website at [www.SouthernNevadaHealthDistrict.org](http://www.SouthernNevadaHealthDistrict.org) or by calling (702) 759-1990.

### **Where can I find more information?**

For more information on the dangers of secondhand smoke, call the Southern Nevada Health’s District Tobacco Control Program at (702) 759-1270.

For more information regarding compliance with the Act, call the Southern Nevada Health District’s Environmental Health Division at (702) 759-0588.

### **If I smoke and want to quit, where can I get more information?**

Call the Nevada Tobacco User’s Helpline at 1-800-QUIT NOW (1-800-784-8669) or go to [www.livingtobaccofree.com](http://www.livingtobaccofree.com).