

# NEVADA CLEAN INDOOR AIR ACT

## A Guide for Bars and Restaurants

The Nevada Clean Indoor Air Act went into effect on Dec. 8, 2006, and prohibits the smoking of tobacco products in most public places and indoor places of employment. During the 2011 legislative session lawmakers passed Assembly Bill 571 which made changes to the voter-approved Act. Based on these revisions to the statute, stand-alone bars, taverns and saloons in which patrons under 21 years of age are prohibited from entering, may allow smoking.

### Where is smoking prohibited?

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

- Public and private school buildings and on public and private school grounds
- Child care facilities
- 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 still allowed?

The Act states that smoking is permitted in:

- Areas within casinos where loitering by minors is already prohibited by state law pursuant to NRS 463.350.

- Completely enclosed areas within stand-alone bars, taverns and saloons in which patrons under 21 years of age are prohibited from entering.
- Age-restricted stand-alone bars, taverns and saloons.
- 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
- The area of a convention facility in which a meeting or trade show is being held, during the time the meeting or trade show is occurring, if the meeting or trade show:
  - Is not open to the public
  - Is being produced or organized by a business relating to tobacco or a professional association for convenience stores
  - Involves the display of tobacco products

### 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.

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## **What is meant by a completely enclosed area of a stand-alone bar, tavern or saloon?**

The area where smoking is allowed must be located in a physically separate area (room or building) from a non-smoking area. The separation must be accomplished by closed doors, windows or walls that form a floor-to-ceiling barrier. Windows between the smoking and non-smoking areas must remain closed at all times, and doors must remain closed when not in use.

More information on the "Requirements for the Design and Construction of Stand-Alone Bars" in regard to the Nevada Clean Indoor Air Act are available on the health district website at <http://www.southernnevadahealthdistrict.org/food-establishments/bars-nciaa.php>.

## **As a restaurant or bar owner, what am I required to do?**

Food and beverage establishments are required to uphold all provisions of the Act. Health district regulations governing the sanitation of food establishments require all permitted facilities to declare exempt or non-exempt status based on the specifications of the Act. Facilities declaring exempt status must also provide documentation verifying exempt status.

Non-exempt businesses must keep smoking paraphernalia, including items to be used as ash receptacles, from areas where smoking is prohibited and inform smoking customers that smoking is not permitted. Additional provisions required under the Act include the posting of conspicuous "No Smoking" signs at every entrance.

Free, downloadable "No Smoking" signs are available on the "No Smoking" Signs webpage.

## **As a bar owner of an age-restricted establishment, what am I required to do?**

As outlined in NRS 202.2483 a supervisor on duty or employee of an age-restricted stand-alone bar, tavern or saloon shall not allow a person who is under 21 years of age to loiter in an age-restricted stand-alone bar, tavern or saloon or an area of a stand-alone bar, tavern or saloon where smoking is allowed. A person who violates the provisions of this subsection is guilty of a misdemeanor.

A supervisor on duty or employee of an age-restricted stand-alone bar, tavern or saloon or a stand-alone bar, tavern or saloon that violates the provisions of subsection 4, the age-restricted stand-alone bar, tavern or saloon or stand-alone bar, tavern or saloon is liable for a civil penalty of:

- \$1,000 for the first offense
- \$2,000 for a second or subsequent offense

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

Compliance with the Act is the responsibility of the establishment, its agents and employees. Health district regulations governing the sanitation of food establishments require facilities to uphold the provisions of the Act. Non-compliance can result in demerits during inspections by the health district personnel.

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

Violations can be reported by completing the NCIAA Complaint Form or by calling (702) 759-1990.

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

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

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

### **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 visit [www.livingtobaccofree.com](http://www.livingtobaccofree.com).

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