

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.

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 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 still allowed?

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

- 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.

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 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:

- A physically independent building that does not share a common entryway or indoor area with any place where smoking is prohibited.
- 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.

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 Nevada Clean Indoor Air Act section of the website at <http://www.southernnevadahealthdistrict.org/nciaatobacco/index.php>.

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.

Where can I find more information?

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

For more information regarding compliance with the Act and food establishment regulations, 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 visit www.livingtobaccofree.com.