

NEVADA CLEAN INDOOR AIR ACT

A Guide for Restaurants and Bars

Effective December 8, 2006, the Nevada Clean Indoor Air Act prohibits smoking in most public places and indoor places of employment, including restaurants and bars that serve food. The law also allows local (county/city/town) governments to adopt and enforce local tobacco control measures more stringent than the state law.

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 (EPA) 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, on their premises 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 are also required to prohibit smoking.

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 (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 should I do if customers or employees insist on smoking?

It is recommended that you or your staff remind them of the Act and politely explain that they must step outside if they wish to smoke. If a customer refuses to comply with the Act, use common sense. The purpose of the Act is to protect others from the harmful effects of secondhand smoke. **DO NOT CALL** the police unless the violator is threatening physical harm, is belligerent, or refuses to leave the premises when asked.

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Washoe County District Health Department

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What if I choose not to ask customers or employees to stop smoking?

If you fail to comply with the Act, an employee or member of the public may contact your local health department to file a complaint. If a local health officer or police officer is present while someone in your establishment is being allowed to smoke, you could be issued a misdemeanor citation for violating the Act.

How will the Act be enforced?

Compliance with the Act is the responsibility of the owner, manager or operator of an area where smoking is prohibited. A reasonable effort to prevent smoking should be made by this individual or group of individuals. Health authorities, police officers of cities or towns, sheriffs and their deputies are responsible for enforcing the provisions of the Act within their respective jurisdictions and have the authority to issue citations for violations of the Act.

What are the penalties?

A person who is found to violate the Act is guilty of a misdemeanor, which generally carries a fine imposed by a judge. In addition, a person who violates the Act is liable for a civil penalty of \$100 for each violation.

Besides prohibiting smoking in my restaurant or bar, what does the Act require me to do?

The Nevada Clean Indoor Air Act states that employers must clearly and conspicuously post “No Smoking” signs in their facilities at every entrance. Employers are also required to remove all ashtrays and other smoking paraphernalia from any area where smoking is prohibited.

Free, downloadable “No Smoking” signs are available on the Washoe County District Health Department website at www.washoecounty.us/health

How can I find more information?

For more information on the dangers of secondhand smoke, please call the Washoe County District Health Department Chronic Disease Prevention Program at (775) 328-2442.

For more information regarding compliance with the new law for restaurant and bar owners, please call the Washoe County District Health Department Environmental Health Division at (772) 328-2434

Where can I get more information on quitting?

If you smoke and want to quit, call the Nevada Tobacco User’s Helpline at 1-800-QUIT NOW (1-800-784-8669) or visit www.livingtobaccofree.com.

