

Street Officer's Guide to The Colorado Clean Indoor Air Act

C.R.S. 25-14

Effective July 1, 2006

Smoke-Free Colorado Website

www.smokefreecolorado.org

SmokeFreeColorado

Good health is good business

July 2006

THE COLORADO CLEAN INDOOR AIR ACT

A Practical Guide for Street Officers

This law goes into effect July 1, 2006.

- If not specifically listed under “Exemptions,” smoking is not permitted in any indoor area.
- Local laws may be stricter, but may not be more lenient, except in the definition of “entryway.” If there is a difference between a local ordinance and the State law, enforce the stricter provision of the two.
- An owner or manager may designate any indoor or outdoor area as non-smoking, even if it is listed under exemptions.

CITABLE SECTION 25-14-208

- It is unlawful for a person who owns, manages, operates or otherwise controls the use of any establishment subject to this law to violate any provisions of this law.
- It is also unlawful for a person to smoke in an area where smoking is prohibited by this law.

GENERAL SMOKING RESTRICTIONS 25-14-204

Prohibits smoking in indoor areas, including, but not limited to:

- Retail and commercial establishments, theaters, museums, libraries.

- Grocery stores and any food service establishment.
- Restaurants, bars, limited gaming facilities (including bingo), billiard or pool halls, bowling alleys.
- Schools, educational institutions, including both public and private schools.
- Indoor sports arenas, gymnasiums and auditoriums.
- Health care facilities, hospitals, health care clinics, doctor's offices and child daycare facilities.
- No less than 75% of hotel or motel sleeping quarters rented to guests.
- Jury waiting and deliberation rooms, and courtrooms.
- Public meeting places in buildings.
- Public transportation of any kind, including buses, trains, vans, and taxi cabs.
- Casinos, as of January 1, 2008.

Workplaces:

- Any workplace unless exempted. (See exemptions)

Common Use Areas:

- Lobbies, reception areas, hallways, elevators, restrooms and any other common-use area, in public and private buildings. This includes condominiums, other multiple unit residential facilities, retirement facilities and nursing homes.

Entryways:

- Defined as “the outside of the front or main doorway,” including public or private property within a radius of 15 feet from the doorway, unless specifically defined by a local ordinance.

Indoor Areas:

- “Indoor area” means any enclosed area or portion thereof. The opening of windows or doors, or the temporary removal of wall panels, does not convert an indoor area into an outdoor area.

EXEMPTIONS 25-14-205

If not specifically listed as an exemption below, smoking is not permitted in any indoor area.

- Employers with three or fewer employees, including volunteers, where the place of employment is not open to the public.
- An establishment that met the definition of a “cigar-tobacco bar,” as of 12/31/2005. (see Cigar-Tobacco Bar)
- Retail tobacco businesses, where the sale of other products is incidental.
- Up to 25% of rented hotel or motel rooms.
- Private homes, residences and automobiles unless being used for childcare or daycare.
- The outdoor area of any business, excluding entryways as listed above.

- Fully enclosed and independently ventilated airport smoking concessions at Denver International Airport.
- Private, non-residential building on a farm or ranch that has an annual gross income of less than \$500,000.
- Limousines under private hire.
- Areas of assisted living facilities that are designated for residents, that are fully enclosed and ventilated and for which access is restricted to residents and their guests.

CIGAR AND TOBACCO BARS EXEMPTION

“Cigar-Tobacco Bar” definition:

- A bar, defined as “any indoor area that is operated and licensed under Article 47 of Title 12, C.R.S. primarily for the sale and service of alcohol beverages for on-premises consumption and where the service of food is secondary to the consumption of such beverages.” To be included in the definition of a “cigar-tobacco bar,” a business must have met this definition as of December 31, 2005.
- In the calendar year ending December 31, 2005, generated at least 5% or more of its total annual gross income or \$50,000 in annual sales of on-site sale of tobacco products and the rental of on-site humidors.
- “A cigar-tobacco bar shall not expand its size or change its location from the size and location in which it existed as of December 31, 2005.”

- Any bar that qualified for the cigar-tobacco bar exemption that fails to meet the sales thresholds described above in any future calendar year permanently loses its exemption.
- Sales from vending machines do not count toward the 5% total annual income or \$50,000 threshold.

CITATION/VIOLATION 25-14-208

A violation of this law is a Class 2 Petty Offense

- It is unlawful for a person who owns, manages, operates or otherwise controls the use of a premises subject to this law to violate any provisions of this law.
- It is unlawful for a person to smoke in an area where smoking is prohibited by this law.
- 1st violation within a calendar year - \$200 fine.
- 2nd violation within a calendar year - \$300 fine.
- 3rd or subsequent violation within a calendar year - \$500 fine.
- Each day of a continuing violation constitutes a separate offense.
- **Note:** 75% of any such fine shall be transmitted to the local city/county treasurer and the remaining 25% shall be transmitted to the state treasurer.

Additional Resources:

- Your local public health agency or nursing service.
- www.SmokeFreeColorado.org
- Jurisdictions with previous enforcement experience such as:

Boulder Environmental Enforcement

Phone: 303-441-3239

Pager: 303-441-3851 #0369

Fort Collins Neighborhood Resources Department

Phone: 970-224-6046

Environmental Health, Pueblo City and County Health Dept.

Phone: 719-583-4328

Pager: 719-253-4002

City of Breckenridge Police Department

Phone: 970-453-2941

NOTES:

