

25-14-204 General Smoking Restrictions

Smoking is prohibited in any indoor area, including but not limited to:

- Public places and buildings such as retail and commercial establishments, libraries, theaters, museums, schools, public and private educational institutions, meeting rooms, and any public meetings
- Restaurants, bars, limited gaming facilities (including bingo), billiard or pool halls, and bowling alleys
- Grocery stores and any food service establishments
- Any workplace not exempted. (See exemptions)
- Indoor sports arenas, gymnasiums and auditoriums
- Lobbies, reception areas, hallways, elevators, restrooms, common use areas - public and private
- Common areas of multiple unit residential, retirement facilities and nursing homes
- Health care facilities, hospitals, clinics, doctor's offices, child day care facilities
- No less than 75% of hotel or motel sleeping quarters rented to guests
- Jury waiting and deliberation rooms, and courtrooms
- Public transportation of any kind, including buses, trains, taxi cabs, etc.
- Entryways- 15-foot radius outside the main or front doorway unless defined differently by local law.
- Casinos, as of January 1, 2008

Please see the definition of "Indoor Area" for more information

25-14-205 Exemptions (if not specifically listed as an exemption below, smoking is not permitted in any indoor area)

- Private homes and automobiles (unless being used for child care or day care)
- Cigar-Tobacco Bar (see definition below)
- Retail tobacco businesses, where the sale of other products is incidental
- Up to 25% of hotel/motel rooms
- Workplaces that are not open to the public with three (3) or fewer employees, including volunteers
- Limousines under private hire
- DIA (Denver International Airport) smoking area
- 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.

25-14-203**Definitions****Cigar-Tobacco Bar**

- Licensed under Article 47 of Title 12 CRS
- Liquor license primarily for sale of alcohol, food is secondary
- 5% or \$50,000 of annual gross income from sale of tobacco, tobacco products and rental of on-site humidors. Not including sales from vending machines.
- Must have met this threshold in calendar year ending December 31, 2005
- If revenue falls below this threshold, cigar-tobacco bar designation will be lost permanently
- Cannot expand or change size and location as of December 31, 2005

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.

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.

25-14-208**Who to Cite/Penalties**

- Owner, manager, operator of a premises where the smoking occurred
- Person who smokes in a nonsmoking area
- Class 2 Petty Offense
- 1st violation in any calendar year - \$200 fine
- 2nd violation in any calendar year - \$300 fine
- 3rd and subsequent per day violation in any calendar year - \$500 fine
- Each day of a continuing violation constitutes a separate event
- Cite whichever is stricter, local ordinance or state statute

For more information, please visit www.smokefreecolorado.org or call the local public health agency or nursing service.