

## Indoor Clean Air Act Highlights for Law Enforcement Updated April 2012

### Steps for Law Enforcement

1. Know the Law (KSA 2011 Supp. 21-6109 through 21-6116).
  - Smoking is prohibited in most of the following indoor locations: public places, places of employment, restaurants, bars and within 10 feet of any doorway, open window or air intake where smoking is prohibited. Note the below specifications for smoking outside of a building.
  - There are exempt locations. Please review the exempt locations below.
  - Businesses are required to post in a conspicuous place a sign displaying the international no smoking symbol. No other signage is required from a state level. Local laws may require additional signage.
2. If you have a local city or county smoking law, please note that anything stricter will apply. Please visit with your city or district attorney if you have questions on which **law** is stricter.
3. Fines can be assessed to the owner/operator of a business in violation and the smoker. Please use your law enforcement agency's normal procedures for issuing infractions.

### Fines for owners/operators and smokers:

- 1st violation = not more than \$100
- 2nd violation within 1 year = not more than \$200
- 3rd and additional violations within 1 year = not more than \$500 per violation
- NOTE: Each individual smoking in an establishment where smoking is prohibited is a separate violation for the business if the business is allowing the person(s) to smoke.

### Exempt Locations

The following locations are exempt from the Indoor Clean Air Act:

- Class A & B Clubs
- Tobacco shops that derive not less than 65 percent of gross receipts from the sale of tobacco
- Gaming floors of lottery gaming facilities or racetrack gaming facilities
- Up to 20 percent of hotel/motel sleeping rooms
- Designated indoor areas of private outdoor recreational clubs (i.e. golf clubs, hunting clubs) where minors are prohibited.
- Designated smoking areas of adult care homes and long-term care facilities

### Class A and B Club Public Events

During events that are open to the public at Class A and B clubs, the room(s) where the event is held is required to be smoke-free. Class A and B clubs hosting events that are open to the general public must get written permission from the Kansas Alcoholic Beverage Control division of the Kansas Department of Revenue to de-license the room(s) used for the public event. Clubs are required to have a copy of the agency's written permission to de-license on-site.

### Smoking in Outside Areas

State law allows smoking in outside areas that are not enclosed and are at least 10 feet from any doorway, open window or air intake of an enclosed area. **According to the law, the following are not considered enclosed areas:**

- Rooms or areas, enclosed by walls, windows or doorways, having neither a ceiling nor a roof and which are completely open to the elements and weather at all times.
- Rooms or areas, enclosed by walls, fences, windows or doorways and a roof or ceiling, having openings that are permanently open to the elements and weather and which comprise an area that is at least 30% of the total perimeter wall area of such room or area.

### Steps to encourage businesses to take:

- Adopt a written smoking policy to prohibit smoking in all areas of employment and communicate this policy to all current employees and all new employees upon hiring.
- Remove all ashtrays and matches.
- Post a no smoking sign. Signs are available for free at [KSsmokefree.org](http://KSsmokefree.org).

**Additional Information:** [www.KSsmokefree.org](http://www.KSsmokefree.org), 1-877-416-8547, Alcoholic Beverage Control: 785-296-7015