

Updated restrictions highlighted in bold

25-14-204 General Smoking and Vaping Restrictions

Smoking **and vaping** of any substance are 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, any public meetings **and small businesses regardless of the number of employees.**
- Restaurants, bars, **hotels, motels**, casinos, limited gaming facilities (including bingo), billiard or pool halls, and bowling alleys.
- Grocery stores and food service establishments
- Indoor sports arenas, gymnasiums and auditoriums
- Lobbies, reception areas, hallways, elevators, restrooms, and public and private common areas.
- **Common areas of assisted living facilities, nursing facilities and assisted living residences.**
- Health care facilities, hospitals, clinics, doctor's offices, and child day care facilities.
- Any workplace not specifically exempted (see exemptions below).
- Jury waiting and deliberation rooms, and courtrooms.
- Public transportation of any kind, including buses, trains, and taxi cabs.
- **Entryways- 25 foot radius outside the main or front doorway unless defined differently by local law as of January 1, 2019.**

25-14-205 Exemptions (if not specifically listed below, smoking and vaping are not permitted in any indoor area)

- Private homes and automobiles (unless being used for child care or day care)
- Cigar-tobacco bar and retail tobacco businesses (including those that sell ESDs). **No one under 18 is permitted to enter these establishments. Signage stating so is required by October 1, 2019.**
- **Licensed marijuana consumption settings. No one under 21 is permitted to enter these establishments.**
- A private, nonresidential building on a farm or ranch that has annual gross income of less than five hundred thousand dollars.

Owners or managers of any business not specifically exempted may post signs prohibiting smoking. Such posting will have the effect of including such place in the list of settings where smoking is prohibited.

Updated restrictions highlighted in bold

25-14-203 Key Definitions

- Entryway: The “outside of the front or main doorway”, including public or private property within a radius of **25 feet from the doorway, unless specifically defined by a local ordinance as of January 1, 2019.**
 - Indoor Area: 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 to an outdoor area.
 - Cigar-tobacco bar: Must have generated at least \$50,000 in annual sales or 5% of its total annual gross income from the on-site sale of tobacco products and the rental of on-site humidors. Must have met this threshold in calendar year ending December 31, 2005 and each successive year to maintain cigar-tobacco bar exemption. May not expand or change size and location after December 31, 2005.
 - **Electronic Smoking Device: Any product not approved by the FDA that contains or delivers nicotine or any other substance intended for human consumption that can be used for the inhalation of vapor or aerosol from the product including; e-cigarettes, e-cigars, e-hookahs, or vape pens or any other product name or descriptor.**
 - Retail Tobacco Business: Any business engaged primarily in the sale, manufacture, or promotion of tobacco, tobacco products, or smoking devices and accessories, including ESDs, either at wholesale or retail and in which the sale, manufacture, or promotion of other products is merely incidental
 - Smoking: Inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, including marijuana **and the use of electronic smoking devices.**
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25-14-208 Who to cite/penalties

- Owner, manager or operator of a premises where the violation occurred.
 - Person who smokes or vapes in a setting where prohibited.
 - Class 2 Petty Offense:
 - 1st violation in any calendar year - \$200 fine.
 - 2nd violation in any calendar year - \$300 fine.
 - 3rd and subsequent 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.
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