

# NEVADA CLEAN INDOOR AIR ACT



## A Guide for Bars and Restaurants

Effective January 1, 2020, the use of vapor products or electronic cigarettes as well as the smoking of tobacco products in most indoor public places and indoor places of employment are no longer allowed under the Nevada Clean Indoor Air Act.

### **What does the Nevada Clean Indoor Air Act do?**

The Act protects the public from secondhand cigarette smoke and secondhand aerosol from e-cigarettes or vaping products. 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 reports that secondhand smoke contains more than 4,000 substances, many of which are known to cause cancer in humans.

Nevada's Desert Research Institute published research from 2016-18 that showed there is a "significant amount of cancer-causing chemicals" along with dangerous aldehydes that are "formed during the chemical breakdown of flavored e-liquids and emitted in e-cig vapors." The health risks extend to second and thirdhand exposure.

Not a single vapor product has been approved by the U.S. Food and Drug Administration as less harmful, despite industry claims to the contrary.

### **Where is smoking and the use of electronic vaping products now banned in Nevada?**

The use of vapor products or e-cigarettes, and smoking tobacco in any form is prohibited within most indoor places of employment including:

- Public and private school buildings and on public and private school grounds
- Child care facilities
- All areas of grocery stores, convenience stores, and drug stores
- All indoor areas within restaurants, including those in casinos or gaming establishments
- Shopping malls and retail establishments
- Video arcades
- Government buildings and public places
- Movie theaters

## **Where is smoking and the use of electronic vaping products still allowed?**

Smoking and the use of e-cigarettes or vaping products is permitted in:

- Areas within casinos where loitering by minors is already prohibited by state law pursuant to [NRS 463.350](#).
- Completely enclosed areas within stand-alone bars, taverns, and saloons in which patrons under 21 years of age are not allowed to enter.
- Age-restricted stand-alone bars, taverns, and saloons.
- Strip clubs and brothels.
- Retail tobacco stores.
- Private residences, including private residences that may serve as an office workplace, except if used as a child care, adult day care, or health care facility.
- The area of a convention facility in which a meeting or trade show is being held, during the time the meeting or trade show is occurring, if the meeting or trade show:
  - Is not open to the public
  - Is being produced or organized by a business relating to tobacco or a professional association for convenience stores
  - Involves the display of tobacco products

## **Can an establishment that is exempt from the Act choose to implement a voluntary “No Smoking/No Vaping” policy?**

Establishments that are excluded from the Act may implement voluntary policies to prohibit the use of e-cigarettes or vaping products. For more information on implementing a policy at your establishment go to [www.getthehealthyclarkcounty.org/live-tobacco-free/tobacco-free-public-places/](http://www.getthehealthyclarkcounty.org/live-tobacco-free/tobacco-free-public-places/).

## **What is meant by a completely enclosed area of a stand-alone bar, tavern or saloon?**

The area where smoking and the use of e-cigarettes or vaping products is allowed must be located in a physically separate area (room or building) from a non-smoking area. The separation must be accomplished by closed doors, windows or walls that form a floor-to-ceiling barrier. Windows between the smoking and non-smoking areas must remain closed at all times, and doors must remain closed when not in use.

Visit the [Requirements for the Design and Construction of Stand-Alone Bars in Regard to the Nevada Clean Indoor Air Act](#) webpage for more information.

## **As a restaurant or bar owner, what am I required to do?**

Food and beverage establishments are required to uphold all provisions of the Act. Health District regulations governing the sanitation of food establishments require all permitted facilities to declare exempt or non-exempt status based on the specifications of the Act.

Facilities declaring exempt status must also provide documentation verifying exempt status.

Non-exempt businesses must keep smoking paraphernalia, including items to be used as ash receptacles, from areas where smoking and the use of e-cigarettes or vaping products is prohibited and inform smoking customers that smoking is not permitted. Additional provisions required under the Act include the posting of conspicuous “No Smoking” signs at every entrance.

Free, downloadable “No Smoking” and “No Vaping” signs are available on the [“No Smoking” Signs](#) webpage.

**As a bar owner of an age-restricted establishment, what am I required to do?**

As outlined in [NRS 202.2483](#) a supervisor on duty or employee of an age-restricted stand-alone bar, tavern or saloon or a stand-alone bar, tavern or saloon shall not allow a person who is under 21 years of age to loiter in an age-restricted stand-alone bar, tavern or saloon or an area of a stand-alone bar, tavern or saloon where smoking is allowed. A person who violates the provisions of this subsection is guilty of a misdemeanor.

A supervisor on duty or employee of an age-restricted stand-alone bar, tavern or saloon or a stand-alone bar, tavern or saloon that violates the provisions of subsection 4, the age-restricted stand-alone bar, tavern or saloon or stand-alone bar, tavern or saloon is liable for a civil penalty of:

- \$1,000 for the first offense
- \$2,000 for a second or subsequent offense

**How will the Act be enforced?**

Compliance with the Act is the responsibility of the establishment, its agents and employees. Health District regulations governing the sanitation of food establishments require facilities to uphold the provisions of the Act. Non-compliance can result in demerits during inspections by the Health District personnel.

**How can I report violations of the Nevada Clean Indoor Air Act?**

Violations can be reported by completing the [NCIAA Complaint Form](#) or by calling (702) 759-1990.

**Where can I find more information?**

For more information regarding compliance with the Act, call the Southern Nevada Health District’s Environmental Health Division at (702) 759-0588. For more information on the dangers of secondhand smoke and secondhand aerosol from e-cigarettes or vaping products, call the Southern Nevada Health District’s Tobacco Control Program at (702) 759-1270.

**If I smoke or vape and want to quit, where can I get more information?**

Residents 13 years of age and older can call the Nevada Tobacco Quitline at 1-800-QUIT NOW (1-800-784-8669) from a Nevada area code to access a free, phone-based service. Go to [www.nevadatobaccoquitline.com](http://www.nevadatobaccoquitline.com) for more information.