

Nebraska Clean Indoor Air Act of 2008 Summary of the Law

LB395, which amends the Nebraska Clean Indoor Air Act, requires every Nebraska indoor workplace to be smoke-free. The purpose of the Nebraska Clean Indoor Air Act is to protect the public health and welfare by prohibiting smoking throughout public places and places of employment.

The law will become effective on June 1, 2009.

The Act eliminates smoking in enclosed indoor workspaces including restaurants, bars, keno establishments and other workplaces (retail/office space, manufacturing, etc.) and indoor public places. The only exceptions are the following:

- up to 20 percent of hotel rooms
- tobacco-only retailers defined as a "store that sells only tobacco and products directly related to tobacco. Products directly related to tobacco do not include alcohol, coffee, soft drinks, candy, groceries or gasoline."
- facilities researching the health effects of smoking
- private residences, except when a residence is being used as a licensed child care program

Indoor area is defined as "an area enclosed by a floor, a ceiling, and walls on all sides that are continuous and solid except for closeable entry and exit doors and windows and in which less than twenty percent of the total wall area is permanently open to the outdoors. For walls in excess of eight feet in height, only the first eight feet shall be used in determining such percentage."

A person who smokes in a place of employment or a public place in violation is guilty of a Class V misdemeanor (maximum \$100 fine) for the first offense and Class IV misdemeanor (minimum \$100, maximum \$500) for the second and subsequent offense. Charges can be dismissed upon successful completion of smoking cessation program. A proprietor that fails, neglects or refuses to perform a duty under the Act is guilty of a class V misdemeanor for the first offense and Class IV misdemeanor for the second and subsequent offenses.

This information is not intended to be legal advice. Please consult state statutes or contact an attorney for more information about the Nebraska Clean Indoor Air Act.