

## **Indiana Smoking Law Changes**

SECTION 2. IC 7.1-5-12 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

### **Chapter 12. Prohibition on Smoking**

**Sec. 1. As used in this chapter, "place of employment" means an enclosed area of a structure that is a place of employment.**

**Sec. 2. As used in this chapter, "public place" means an enclosed area of a structure in which the public is invited or permitted.**

**Sec. 3. As used in this chapter, "smoking" means the:**

- (1) carrying or holding of a lighted cigarette, cigar, or pipe or any other lighted tobacco smoking equipment; or**
- (2) inhalation or exhalation of smoke from lighted tobacco smoking equipment.**

**Sec. 4. (a) Except as provided in section 5 of this chapter, smoking is prohibited in the following:**

- (1) A public place.**
- (2) A place of employment.**
- (3) A vehicle owned, leased, or operated by the state if the vehicle is being used for a governmental function.**
- (4) The area within eight (8) feet of a public entrance to:**
  - (A) a public place; or**
  - (B) a place of employment.**

**(b) An employer shall inform each of the employer's employees and prospective employees of the smoking prohibition applying to the place of employment.**

**(c) An owner, operator, manager, or official in charge of a public place or place of employment shall remove ashtrays or other smoking paraphernalia from areas of the public place or place of employment where smoking is prohibited under this chapter. However, this subsection does not prohibit the display of ashtrays or other smoking paraphernalia that are intended only for retail sale.**

**(d) An owner, operator, manager, or official in charge of a public place or place of employment shall post conspicuous signs at each public entrance that read "State Law Prohibits Smoking Within 8 Feet of this Entrance" or other similar language.**

**Continued on Reverse**

Sec. 5. (a) Except as provided in subsection (c) and subject to section 13 of this chapter, smoking may be allowed in the following:

(6) A premises owned or leased by and regularly used for the activities of a business that meets all of the following:

(A) The business is exempt from federal income taxation under 26 U.S.C. 501(c).

(B) The business:

(i) meets the requirements to be considered a club under IC 7.1-3-20-1; or

(ii) is a fraternal club (as defined in IC 7.1-3-20-7).

(C) The business provides food or alcoholic beverages only to its bona fide members and their guests.

(D) The business, during a meeting of the business's members, voted within the previous two (2) years to allow smoking on the premises.

(E) The business:

(i) provides a separate, enclosed, designated smoking room or area that is adequately ventilated to prevent migration of smoke to nonsmoking areas of the premises;

(ii) allows smoking only in the room or area described in item (i); and

(iii) does not allow an individual who is less than eighteen (18) years of age to enter into the room or area described in item (i).

(c) This section does not allow smoking in the following enclosed areas of an establishment or premises described in subsection (a)(1) through (a)(10):

(1) Any hallway, elevator, or other common area where an individual who is less than eighteen (18) years of age is permitted.

(2) Any room that is intended for use by an individual who is less than eighteen (18) years of age.

(d) The owner, operator, or manager of an establishment or premises that is listed under subsection (a) and that allows smoking shall provide a verified statement to the commission that states that the establishment or premises qualifies for the exemption. The commission may require the owner, operator, or manager of an establishment or premises to provide documentation or additional information concerning the exemption of the establishment or premises.

Sec. 13. (a) This chapter does not prohibit a county, city, town, or other governmental unit from adopting an ordinance more restrictive than this chapter.

(b) This chapter does not supersede a smoking ordinance that is adopted by a county, city, town, or other governmental unit before the effective date of this chapter and that is more restrictive than this chapter.