

HB 1076: Clean Indoor Air Act Modernization
Amendments for House Health and Insurance Committee: 2/27/19

L.002

Adds the definition of tobacco business back to the statute and continues to allow them to be exempt from the CO Clean Indoor Air Act (L.002, page 1, lines 4-10 and page 2, line 8). Adds language requiring tobacco businesses to prohibit entry of any person under 18 years of age and display signage regarding this prohibition (L.002 page 2, line 2-6).

Amends language regarding cigar-tobacco bars and minors to prohibit the entry of any person 18 years of age and display signage regarding this prohibition (current law allows minors under 18 to enter with a parent or guardian). (L.002, page 1, lines 24 page 2, line 1). This amendment makes the language for tobacco businesses and cigar-tobacco bars regarding minor entry the same.

The introduced bill eliminated the exemptions for 25% of hotel and motel rooms, places of employment and assisted living residences, but failed to then include them in the list of places that must comply with the Act. The amendment adds them to the list of places that must comply with the Act. (L.002, page 1 lines 15-21)

The introduced bill struck language that allows any place not specified in the statute to decide to comply with the CCIAA and post signage to that effect (see bill, page 5, lines 23-27 through page 6, lines 1-2). It was brought to our attention that this language is still needed. For example, this language has enabled owners or managers of multi-unit housing units (condos or apartments) to establish smoke free policies. So, L.002 strikes the strikeout and makes a few clarifying edits (L.002, page 2, lines 11-19).

The remaining changes fix the lettering and numbering that need to be changes as a result of L.002.

L.006

Grandfathers local policies with that allow smoking within a perimeter of less than 25 feet from the main entry to a business as long as those local policies were in place as of January 1, 2019. Also grandfathers a business with an occupancy certification in place as of July 1, 2019. This would help any business currently being built with a building plan based on the current law that only requires a 15 foot perimeter.

L.007

Adds enforcement to the new minor entry signage requirements that includes the follows levels of enforcement:

1. Written warning for first violation in a 24-month period.
2. No fine for a violation if the business can demonstrate a written policy in place, employee training, and disciplinary sanctions for noncompliance by employees (affirmative defense). This can be used by any location only twice in a 24-month period.
3. Apply existing CCIAA fines after warning and/or use of affirmative defense if continued noncompliance. Fines are \$200 for a first violation within a calendar year, \$300 for a second violation, \$500 for each additional violation.

L.008

Adds an effective date for ONLY the minor entry and signage requirements of the bill of October 1, 2019. This provides cigar and tobacco businesses with some time to develop a policy, train employees, and post a new sign (tobacco businesses) or modify the existing sign (cigar-tobacco bars).