



## Colorado Clean Indoor Air Act

The harmful effects of secondhand smoke and emissions from tobacco, marijuana, and electronic smoking devices continue to be an issue in Colorado. Since 1992, the U.S. Environmental Protection Agency (EPA) has classified secondhand tobacco smoke as a known cause of cancer.<sup>1</sup> The Centers for Disease Control and Prevention (CDC) reports that secondhand smoke has immediate harmful effects on the heart and blood vessels that lead to heart disease.<sup>2</sup> The CDC also found that secondhand smoke from marijuana contains the same chemicals found in tobacco smoke that negatively affect the vascular system.<sup>3</sup> Research also shows that vapor released from electronic smoking devices contains nicotine and other chemicals, with the amount of toxicity dependent on the type of device.<sup>4</sup>

In an effort to reduce the risk of smoke-related health problems in Colorado, the General Assembly passed the Colorado Clean Indoor Air Act in 2006, which prohibits smoking in indoor areas throughout the state.<sup>5</sup> The act was amended in 2013 and again in 2019 to prohibit marijuana smoking and the use of electronic smoking devices (ESDs). This issue brief describes the act, including the definition of

smoking, the facilities affected, and exemptions. It also describes the penalties for noncompliance and provides information on smoking bans in other states.

### Definition of Smoking

The act defines smoking as inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, pipe, or any other product intended for inhalation, including marijuana and ESDs. An ESD is any product that contains or delivers nicotine or any other substance meant for human consumption that is used to inhale vapor from the product.

### Covered Entities

The act prohibits smoking tobacco and marijuana or using ESDs in most indoor areas throughout the state, including:

- public meeting places and buildings;
- government-owned or -operated means of mass transportation, such as buses and trains;
- taxis and limousines;
- grocery stores;
- courtrooms and jury rooms;
- child day care facilities;

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<sup>1</sup> U.S. Environmental Protection Agency. Respiratory Health Effects of Passive Smoking: Lung Cancer and Other Disorders. December 1992.

<sup>2</sup> Centers for Disease Control and Prevention. Health Effect of Secondhand Smoke. <https://www.cdc.gov/tobacco/about/cigarettes-and-cardiovascular-disease.html>. September 2024.

<sup>3</sup> Centers for Disease Control and Prevention. Cannabis and Secondhand Smoke. <https://www.cdc.gov/cannabis/health-effects/secondhand->

[smoke.html?CDC\\_AAref\\_Val=https://www.cdc.gov/marijuana/health-effects/second-hand-smoke.html](https://www.cdc.gov/marijuana/health-effects/second-hand-smoke.html). February 2024.

<sup>4</sup> U.S. Environmental Protection Agency. Respiratory Health Effects of Passive Smoking: Lung Cancer and Other Disorders. <https://www.epa.gov/indoor-air-quality-iaq/secondhand-electronic-cigarette-aerosol-and-indoor-air-quality#:~:text=E%2Dcigarette%20users%20inhale%20this,and%20other%20harmful%20health%20effects.>

<sup>5</sup> Part 2 of Article 14 of Title 25, C.R.S.

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- health care facilities;
- any place of employment that is not an exempted facility (see next section);
- food service establishments and bars;
- any facility in which gaming, gambling activity, or games of chance are conducted;
- indoor sports arenas and gymnasiums;
- bowling alleys and billiard or pool halls;
- auditoriums and theaters;
- museums and libraries;
- schools and other educational buildings;
- airports;
- hotel and motel rooms;
- assisted living facilities;
- restrooms, lobbies, hallways, and other common areas in public and private buildings, including residential units; and
- common areas of retirement facilities, publically owned housing facilities, and nursing homes.

Smoking is also prohibited in the entryways and elevators of all buildings listed above. In 2019, the smoke-free radius was increased from at least 15 feet to at least 25 feet from the entryway, except where existing local regulations permit a smaller radius.

## Exemptions

The following facilities or areas are exempt from the statewide smoking ban:

- private residences and automobiles, except those used for child day care;
- limousines under private hire;
- any retail tobacco business;
- a cigar-tobacco bar;
- the outdoor area of any business;
- a private, nonresidential building on a farm or ranch that has annual gross income of less than \$500,000; and

- a licensed marijuana hospitality business, if authorized by a local government (this exemption applies only to smoking marijuana).

Employees of establishments exempt from or not included in the ban must be provided a smoke- and emission-free work environment upon request. Owners or managers of exempt facilities can choose to prohibit smoking completely or designate smoking and nonsmoking areas. Local governments may also impose regulations on smoking in public, as long as they are not less stringent than state law.

## Penalties

It is unlawful for the owner, manager, or operator of a facility subject to the smoking ban to permit smoking within the establishment. Likewise, it is unlawful for individuals to smoke in buildings or structures that are subject to the ban. A violation of the smoking ban is a petty offense, punishable by up to 10 days in jail, a fine that is no more than \$300, or both. Each day the violation continues is considered a separate offense. Violations can be reported to local law enforcement and fines from violations are divided between local and state governments.

## Smoking Bans in Other States

As of September 2024, 27 other states and the District of Columbia have banned smoking in most public spaces, including workplaces, restaurants, and bars. In some states, smoking is prohibited in workplaces and restaurants, but not in bars. Additionally, 18 other states and the District of Columbia have extended their bans to include ESDs.<sup>6</sup>

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<sup>6</sup> American Lung Association. Smokefree Air Laws. March 10, 2020. <https://www.lung.org/policy-advocacy/tobacco/smokefreeenvironments/smokefree-air-laws>.