

MONTANA CLEAN INDOOR AIR ACT

FREQUENTLY ASKED QUESTIONS

Q: What is the Montana Clean Indoor Air Act?

A: The Clean Indoor Air Act is a Montana state law that required all enclosed public places and workplaces in Montana to be smokefree as of October 1, 2009. The intent/purpose of the Clean Indoor Air Act is to:

1. Protect the public health and welfare by prohibiting smoking in public places and places of employment;
2. Recognize the right of nonsmokers to breathe smoke-free air; and
3. Recognize the need to breathe smokefree air has priority over the desire to smoke

Q: Why is the Montana Clean Indoor Air Act important?

A: The act protects each individual's right to breathe clean air, and it protects public health. In 2006, the U.S. Surgeon General declared there is no safe level of exposure to secondhand tobacco smoke. Exposure to secondhand smoke causes lung cancer and other fatal and debilitating diseases. It also damages infants' and children's health. Smokefree laws like Montana's reduce heart attack incidence by at least 19 percent.

Q: What is an "enclosed public place?"

A: An "enclosed public place" means an indoor area, room, or vehicle that the public is allowed to enter or that serves as a place of work. Enclosed public places include but are not limited to bars, casinos, restaurants, stores, public and private offices, health care facilities, public transportation, business vehicles, and public schools.

Q: What is a "place of work?"

A: A "place of work" means an enclosed place where one or more individuals are required to be as part of their job. This includes work vehicles, or vehicles that serve as a place of work, and vehicles accessible to the public, such as taxis and buses.

Q: Are there any exceptions to the law?

A: Yes. The law does not apply to:

- Private residences, unless the residence is used as a day care, an adult foster care home, or a health care facility.
- Private vehicles.
- Hotel rooms designated as smoking rooms. Currently, a hotel may designate no more than 35 percent of its rooms as smoking rooms.
- Sites used in connection with the practice of cultural activities by American Indians in accordance with the American Indian Religious Freedom Act.

Q: Are e-cigarettes prohibited under the Montana Clean Indoor Air Act?

A: No, but they are prohibited in [11 localities](#) across Montana.

Q: Why should e-cigarettes be prohibited under the Montana Clean Indoor Air Act?

A: Long-term health effects of e-cigarette aerosol exposure are unknown. Exposure to nicotine in any form is unsafe for youth, pregnant women and developing fetuses. Allowing e-cigarettes to be used in public places renormalizes tobacco use behavior as e-cigarette use serves as a gateway to other tobacco products and substances. [Learn more about the dangers of e-cigarettes on our website.](#)

Q: If my county hasn't prohibited the use of e-cigarettes under their local Clean Indoor Air Act Protocol, am I still able to prohibit them from being used in my business?

A: Yes, individual business owners, landlords and property owners are able to establish their own smokefree policies that prohibit the use of e-cigarettes. Access [free signage](#) and [model policy language](#) on our website!

Q: What does the law require of me as a business owner or operator?

A: Smoking is prohibited in any enclosed public place or workplace. You must post no-smoking signs that are clearly visible at all public entrances.

Q: Does the State of Montana provide no-smoking signs that I can post to comply with the law?

A: Yes. You can order [free signage through our website!](#)

Q: How should I and my employees respond if a customer smokes in my establishment?

A: If one of your patrons smokes indoors and will not extinguish the cigarette or cigar, use the same techniques you already employ to remove a quarrelsome customer. Bouncers and local law enforcement can help in the same way as they would for any other problem customer.

Q: What about outdoor smoking or patios?

A: Secondhand smoke kills people. When people smoke outside of a building, secondhand smoke can drift inside through air intake vents and doorways. For your own, your employees' and your patrons' health, consider implementing a setback rule where no smoking is permitted within 30 feet of your building to avoid direct exposure and smoke drifting into your establishment. Increased public understanding of this health problem has made changes like these readily acceptable.

Q: Can citizens file complaints if a business is not in compliance?

A: Yes. The simplest way citizens can file complaints is by visiting tobaccofree.mt.gov. Citizens also may file complaints by calling their local health department or the Montana Tobacco Use Prevention Program at 1-866-787-5247. Signed complaints, including those filed electronically by an identified individual, are evidence of a violation.

Q: What are the penalties for violation of the law?

A: A person who owns, manages, operates, or otherwise controls a public place or place of employment and fails to comply with the provisions of the Clean Indoor Air Act is guilty of a misdemeanor after a third violation within a 3-year period. Business owners, managers, and operators who violate the Clean Indoor Air Act will receive a warning for the first violation, a written reprimand for a second violation, and, within any 3-year period, a fine of \$100 for a third violation, \$200 for a fourth violation, and \$500 for a fifth or subsequent violation. The law also stipulates that any individual who smokes in an area where smoking is prohibited is guilty of a misdemeanor and subject to fines.

Q: Where can I obtain or view the law and administrative rules in entirety?

A: You can read and download the [full language of law](#) and [administrative rules](#). For more information: Your county may have a local tobacco prevention specialist who can help you by providing information, call toll-free at 1-866-787-5247 or visit tobaccofree.mt.gov.