

LEGAL UPDATES

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Service

Labor & Employment

Kansas Indoor Clean Air Act Becomes Effective July 1, 2010

Effective July 1, 2010, Kansas law prohibits smoking indoors in most public places, including places of employment, restaurants, bars and outdoors within ten feet of any doorway, open window or air intake of a location where smoking is prohibited. Public smoking is not permitted in private offices or break rooms after hours, on weekends or holidays. Smoking is also prohibited in limousines and taxis. Employers are required to adopt a written no-smoking policy and communicate that policy to its employees and new hires, and to post no-smoking signs in places conspicuous to the public.

On March 12, 2010, Kansas Governor Mark Parkinson signed the Kansas Indoor Clean Air Act, a state-wide prohibition against smoking in public places. Barring any delay from the two lawsuits that have been filed challenging its constitutionality, which are set for initial hearing on June 29, 2010 in Topeka, the law will go into effect on July 1, 2010.

Exceptions and Exemptions

The law provides limited exemptions:

Tobacco shops that derive not less than 65 percent of gross receipts for the sale of tobacco

Gaming floors of lottery gaming and racetrack gaming facilities

Up to 20 percent of hotel/motel sleeping rooms

Designated indoor areas of private outdoor recreational clubs (e.g. golf or hunting clubs) where minors are prohibited

Designated smoking areas of adult care homes and long-term care facilities

Class A and B private clubs licensed before January 1, 2009 that notify the Secretary of the Kansas Department of Health and Environment by September 28, 2010 of intent to allow smoking. (Class A clubs are non-profit social, fraternal or war veteran's clubs that operate for the exclusive use of members, their families and guests. Class B clubs are private for-profit clubs licensed by the Director of the Kansas Alcoholic Beverage Control Division of the Department of Revenue.) However, once a Class A or B club opens to the general public, e.g. for bingo, smoking would be prohibited in the building during the public event.

Effect on Local Laws

The law specifically provides that where local anti-smoking laws are stricter than the state law, the local provisions will prevail. Where they are not, however, the state law will apply.

Signs and Additional Information

The signs required by the law are available for free download or mail upon request at www.KSsmokefree.org/no_smoking_sign.html, and additional information about the law, the penalties for violation and its enforcement are available at www.KSsmokefree.org/FAQ.html.

Click the link under "Related Files" for a copy of this statute.

Contact Information

If you have any questions about this or other employment matters, please contact your Husch Blackwell Sanders attorney.

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