



SMOKE FREE NEW MEXICO
Improving the state of our health.



Fact Sheet: The Dee Johnson Clean Indoor Air Act

- Eliminates smoking in enclosed indoor workplaces including restaurants, bars and other workplaces (retail/office space, etc.) and indoor public places.
- Effective Date: June 15, 2007
- Provides for smoking-permitted areas a reasonable distance beyond doorways so that a person does not have to pass through smoke to enter a building. Smoking-permitted areas must also be beyond windows and other ventilation intakes so that smoke does not enter the building.
- Exempts the following:
 - Private homes when not being used commercially to provide child care, adult care or health care
 - Retail tobacco stores
 - Cigar bars (meeting strict revenue criteria for cigar sales as of 12/31/07)
 - State-licensed gaming facilities, casinos and bingo parlors
 - Designated outdoor smoking areas (patios, etc.)
 - Private clubs qualified as federal 501(c) non-profits (e.g., fraternal organizations)
 - Sole proprietors or businesses with fewer than 2 employees as long as the business is not a restaurant or bar
 - Enclosed areas within restaurants or bars or hotel/motel meeting rooms when reserved for private functions provided that the public is not invited and smoke does not infiltrate into any other smoke-free areas
 - Limousines for private hire
 - Tobacco manufacturing facilities
 - Up to 25% of hotel/motel guest rooms may be designated for smoking
 - Sites being used in connection with the practice of American Indian cultural activities in accordance with the American Indian Religious Freedom Act
- Allows local governing bodies to enact stronger provisions than the state law. The Dee Johnson Clean Indoor Air Act is intended to establish a minimum standard for places where New Mexicans are protected from secondhand smoke and ensure that their eating and working environments are smoke-free.
- Provides penalties for violations, which may include fines ranging from \$100 up to \$500 for repeat offenders.

Please note: this information is not intended to be legal advice. Please consult state statutes or contact an attorney for more information about the Dee Johnson Clean Indoor Air Act (§24-16-1 et seq. NMSA 1978).