

WHAT THE LAW SAYS

What places in New Mexico are required to be smoke-free and vape-free under the law?

All indoor public places and indoor places of employment are required to smoke-free and vape-free. This includes all restaurants, bars, other workplaces (such as retail and office spaces), indoor public places, buses, taxis, and hired limousines. It also includes private homes that are used commercially to provide daycare, at least 90 percent of all hotel/motel guest rooms, and all ballrooms, and meeting rooms in hotels and motels.

The law also includes these stipulations:

No smoking or vaping is allowed within a reasonable distance of all entrances of a business.

Building entrances must be smoke-free and vape-free so that persons do not have to walk through smoke or and e-cigarette aerosol to gain entrance to the building.

Outdoor smoking areas should be away from windows, doors and ventilation intakes to prevent smoke and e-cigarette aerosol from entering the building.

The only exemptions to the law are as follows:

Retail tobacco and e-cigarette stores, as long as the smoke and e-cigarette aerosol does not enter smoke-free areas through windows, doorways or ventilation systems. Retail tobacco and e-cigarette stores established after June 14, 2019 must be located in a standalone building.

Cigar bars in existence by December 31, 2007 and meeting strict revenue criteria

State-licensed gaming facilities, casinos and bingo parlors

Designated outdoor smoking areas as long as smoke or e-cigarette aerosol does not enter smoke-free indoor areas through windows, doorways or ventilation systems.

Private clubs qualified as federal 501 (c) nonprofits (e.g., fraternal organizations)

Tobacco manufacturing facilities

A site being used for the practice of Native American cultural or ceremonial activities in accordance with the federal American Indian Religious Freedom Act.