

Private Clubs

Nebraska Clean Indoor Air Act

The Nebraska Clean Indoor Air Act (NCIAA) eliminates smoking in enclosed indoor areas of workplaces and indoor public places. The purpose of the Act is to protect the public health and welfare by prohibiting smoking in public places and places of employment. In 2008, the Nebraska Clean Indoor Air Act was amended to require every indoor workplace in the state to be smoke-free. The Nebraska Clean Indoor Air Act goes into effect June 1, 2009.

Impact on Private Clubs

Whether or not a private club, such as a Veterans of Foreign Wars (VFW) club, would have to be smoke-free will depend upon its status as a public place and as a place of employment as defined by the Act. If an organization retains employees or allows the public to access the facility, then it must be smoke-free.

The NCIAA defines a place of employment as “an indoor area under the control of a proprietor that an employee accesses as part of his or her employment without regard to whether the employee is present or work is occurring at any given time.” Likewise, the NCIAA defines a public place as “an indoor area to which the public is invited or in which the public is permitted, whether or not the public is always invited or permitted.”

Private clubs vary in their uses and how they are operated, so whether or not a club must be smoke-free may have to be considered on a case-by-case basis. However, here are some general guidelines.

If the club offers use of its facility to the general public for fundraisers, receptions, or other events such as bingo, or has a working restaurant/bar with staff for cooking and serving meals, it would have to comply with the NCIAA and prohibit smoking.

If the club is truly private, where the public is never permitted to use the facility, and has no employees, then it could allow its members to smoke indoors.

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