



## FAQs About the Missouri State Clean Indoor Air Law

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### **1** Does Missouri have a state law about smoking in indoor public places or work sites?

Yes. [Sections 191.765 – 191.777 RSMo \(2000\)](#), known commonly as the Missouri Clean Indoor Air Law, addresses smoking in public places. Work sites, whether public or private, are included in the legal definition of a public place.

### **2** Does this law prohibit smoking in indoor public places or work sites?

Yes, but not completely. The owner of the public place or work site can determine whether smoking is allowed within the facility. If the owner allows smoking, the law describes the requirements of acceptable Designated Smoking Areas and signage.

### **3** What is and what is not a “public place”?

The law defines “public place” as any enclosed indoor area used by the general public or a work site.

This can include but is not limited to:

- Work sites (public or private)
- Retail\* and commercial establishments
- Restaurants\*
- Public restrooms
- Educational facilities\*
- Public transportation (bus, taxi\*, limousine\*, railroad, airliner, etc.)
- Places of recreation or entertainment (arenas\*, concert halls, malls, theaters\*, swimming pools, etc.)
- Daycare facilities\*\*
- Libraries, art galleries, auditoriums, museums
- Health care facilities (clinics, hospitals, nursing homes, physician and dentist offices, etc.)
  - \* See exemptions and stipulations below
  - \*\* No smoking is to occur at child care facilities licensed by DHSS whenever children cared for under that license are present

The law provides exemptions:

- Designated areas in theater lobbies
- Institutions of higher education

The law stipulates the following are not considered a “public place”:

- Private residences
- Tobacco stores where greater than 50% of sales is related to tobacco products
- Performers on stage if smoking is part of the production
- Limousines for hire and taxicabs, where driver and all passengers agree to allow smoking
- Any enclosed indoor arena, stadium or other facility seating more than 15,000 persons and which may be used for sporting events
- An entire room or hall used for private social functions, provided that seating arrangements are under control of the function’s sponsor and not the proprietor

Additionally, the law states that the following are not considered a “public place” if there are conspicuously posted signs stating “Non-Smoking Areas are Unavailable”:

- Bars and taverns
- Bowling alleys
- Billiard parlors
- Restaurants with less than 50 seats

**4**

## **What conditions must be addressed by the owner to establish a Designated Smoking Area?**

The law specifies:

- The maximum size for a Designated Smoking Area
- Signs indicating Nonsmoking and Designated smoking areas must be posted and easily seen.
- Isolating the Designated Smoking Area in terms of seating arrangement, use of available ventilation systems, and physical barriers
- People smoking in a Nonsmoking Area must be asked to move to a Designated Smoking Area

**5**

## **What is the maximum size allowed for a Designated Smoking Area?**

The maximum size may never be greater than 30% of the entire space.

- The Nonsmoking Area must be of sufficient size to accommodate the usual demand by customers without causing long waits to be seated in the Nonsmoking Area.
- Therefore, a Designated Smoking Area is either no more than 30% of the entire space OR to be appropriately sized to reflect the usual demand for Nonsmoking Area, whichever results in the smaller size for the Designated Smoking Area.

**6**

## **How many signs are required?**

- A smoke-free facility should have signs at each entrance into the building stating, “This is a smoke-free facility.”; “No smoking allowed.”; “Thank you for not smoking”; or another similar statement.
- A facility with Nonsmoking Areas and Designated Smoking Areas must have signs clearly identifying each area, so people understand where smoking is or is not allowed.
- An exempted facility must have signs at each entrance into the building stating “Nonsmoking Areas are Unavailable.”

**7**

## **Is it required that a public place or work site has to provide a Designated Smoking Area?**

No. The owner can make the entire facility smoke-free.

**8**

## **Am I protected from secondhand smoke when the Designated Smoking Area meets the requirements of this state law?**

No. Ventilation systems, barriers and separate smoking areas do not protect people from secondhand smoke and thirdhand smoke.

**9**

## **Are there special air filtration systems that can remove secondhand smoke?**

No. There is not a ventilation system that can completely remove secondhand smoke exposure. There is no safe level of secondhand smoke. Specialized air filtration systems can sometimes remove the irritants and odors caused by secondhand smoke. However, many of the toxins in secondhand smoke are odorless and invisible. Secondhand smoke is often not detected, and most people do not know how much they have been exposed to. Many companies that make these ventilation systems and other reputable technical, scientific and medical experts agree that air filtration systems cannot remove health risks caused by secondhand smoke.

**10**

## **If I don't see or smell tobacco smoke in a Nonsmoking Area, doesn't that mean the Designated Smoking Area works and I'm not exposed to secondhand smoke?**

Not necessarily. Only a few of the more than 4,000 chemicals in secondhand smoke are visible and have an odor. There is no safe level of secondhand smoke and even short-term exposure can increase your risk of heart attack and trigger asthma attacks. The only way to eliminate secondhand smoke exposure is to implement a smoke-free policy that protects all people at all times.

**11 Who is responsible for implementing this law?**

Local prosecutors are responsible for enforcing the law. The penalty for a violation is a fine up to \$200 for an individual and up to \$500 for a corporation. Enforcement of this law is described in [Section 191.773](#).

**12 How do I file a complaint about secondhand smoke in an indoor public place or work site?**

Contact local law enforcement to file a complaint.

**13 Would a business owner be violating this law if a customer lights up a cigarette in a Nonsmoking Area?**

- If the owner or person in charge allows a person to smoke in an area other than a Designated Smoking Area, they are in violation of this law.
- If the owner or another employee asks that the customer stop smoking or move to a Designated Smoking Area, they are not in violation of this law.
- The person smoking in an area other than the Designated Smoking Area is in violation of this law.

**14 Can city or county governments pass smoke-free laws that are more comprehensive than this law?**

Yes. The law specifically allows local city or county officials or local boards of education to pass stronger ordinances or rules.

**15 How does the law affect tobacco use in public elementary and secondary schools?**

The law prohibits use of tobacco (including smokeless tobacco) in any indoor area of a public elementary or secondary school, and on school buses.

**16 May school districts adopt stronger policies prohibiting tobacco use on school campuses or at school sponsored events?**

Yes. School districts may choose to prohibit tobacco use by staff and visitors on all school property and at sponsored events.

- A separate section of state law, Section [407.926, RSMo](#) already prohibits students (under age 18) from possessing tobacco products.

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Additional questions regarding Missouri’s Clean Indoor Air Law may be directed to the Missouri Prevention and Tobacco Control Program at [MOtobaccoProgram@health.mo.gov](mailto:MOtobaccoProgram@health.mo.gov)