

# MONTANA CLEAN INDOOR AIR ACT

## FREQUENTLY ASKED QUESTIONS

### **Q: What is the Montana Clean Indoor Air Act (CIAA)?**

**A:** The CIAA is a Montana law that prohibits smoking in enclosed public places, including places of work. The purpose of the CIAA is:

- 1) To protect the public health and welfare by prohibiting smoking in public places and places of employment;
- 2) To recognize the right of nonsmokers to breathe smoke-free air; and
- 3) To recognize the need to breathe smokefree air has priority over the desire to smoke.

### **Q: Why is the CIAA important?**

**A:** The CIAA protects public health and each individual's right to breathe clean air. In 2006, the U.S. Surgeon General declared there is no safe level of exposure to secondhand tobacco smoke. Exposure to secondhand smoke causes lung cancer and other fatal and debilitating diseases. It also damages infants' and children's health. Smokefree laws, like Montana's, have proven to be the only effective way of eliminating secondhand smoke exposure, a public health hazard responsible for the deaths of an estimated 19,300 adult non-smokers each year.

### **Q: What is an "enclosed public place"?**

**A:** An "enclosed public place" means an indoor area, room, or vehicle that the public is allowed to enter or that serves as a place of work, including but not limited to the following:

- restaurants;
- stores;
- public and private office buildings and offices, including all office buildings and offices of political subdivisions and state government;
- trains, buses, and other forms of public transportation;
- health care facilities;
- auditoriums, arenas, and assembly facilities;
- meeting rooms open to the public;
- bars;
- community college facilities;
- facilities of the Montana university system; and
- public schools. § 50-40-103, MCA.

### **Q: What is a "place of work"?**

**A:** A "place of work" means an enclosed room where one or more individuals work. § 50-40-103, MCA. As further defined in ARM 37.113.101, "Enclosed room," for purposes of the definition of "place of work," means an area with a wall on all sides reaching from floor to ceiling, exclusive of windows and doors, and does not include an area completely or partially open to the outside air such as a roofed shelter.



### **Q: Are there any exceptions to the law?**

**A:** Yes. The prohibition against smoking in enclosed public places does not apply to:

- Private residences that do not serve as a family day-care home, group day-care home, adult foster care home, or health care facility;
- Private vehicles;
- Hotel rooms designated as smoking rooms and rented to guests if not more than 35% of the total rooms of a hotel or motel are designated as smoking rooms; and
- Sites used in connection with the practice of cultural activities by American Indians in accordance with the American Indian Religious Freedom Act. § 50-40-104(4), MCA.

### **Q: Are e-cigarettes prohibited under the CIAA?**

**A:** Yes. [Senate Bill 390](#), which added e-cigarettes to the CIAA, was passed and enacted into law during Montana's 2025 Legislative Session and is now in effect. The definition of "smoking" and "to smoke" now includes the use of an "electronic smoking device." § 50-40-103, MCA.

An "electronic smoking device" is defined as "an e-cigarette, dab rig, or vape pen containing or delivering nicotine or another substance intended for human consumption that can be used by a person in any manner for the purpose of inhaling vapor or aerosol from the product." § 50-40-103, MCA.

### **Q: Why expand the CIAA to include e-cigarettes?**

**A:** The addition of e-cigarettes into the CIAA helps protect the public and workers from exposure to harmful chemicals in e-cigarette aerosol. Secondhand e-cigarette aerosol can contain nicotine, heavy metals, and other dangerous toxins.

Montana youth use of e-cigarettes is among the highest in the nation. E-cigarettes tend to contain more nicotine than cigarettes and are highly addictive. Adding e-cigarettes to the CIAA reinforces healthy social behaviors for youth and helps keep e-cigarette use from becoming normalized.

### **Q: Didn't my county already prohibit e-cigarette use in enclosed public places?**

**A:** Possibly. Prior to the passage of SB 390, ten Montana localities had taken action to include e-cigarettes in their local smokefree laws: Carbon County, Deer Lodge County, Granite County, Lake County, Lewis and Clark County, Missoula (city), Mineral County, Powell County, Sanders County, and Yellowstone County.

### **Q: What does the law require of me as a business owner or operator?**

**A:** Businesses are required to:

- 1) Prohibit smoking, including the use of e-cigarettes and marijuana, in enclosed public places. § 50-40-104, MCA.
- 2) Post a sign in a conspicuous place at all public entrances to the establishment stating, in a manner that can be easily read and understood, that smoking in the



enclosed public place is prohibited. § 50-40-104, MCA.

**Q: Is marijuana use prohibited under the CIAA?**

**A:** Yes. "Smoking" or "to smoke" includes the act of lighting, smoking, or carrying a lighted cigar, cigarette, pipe, or any smokable product and includes the use of marijuana. § 50-40-103, MCA.

**Q: Does the State of Montana provide no-smoking signs that I can post to comply with the law?**

**A:** Yes. You can order free signage through our website: [tobaccofree.mt.gov](http://tobaccofree.mt.gov).

**Q: What about outdoor smoking or patios?**

**A:** Secondhand smoke can be deadly. When people smoke outside of a building, secondhand smoke can drift inside through air intake vents and doorways. Although not required under the CIAA, for the health of your employees and patrons, consider implementing a setback rule where no smoking is permitted within 30 feet of your building. Increased public understanding of the health impact of secondhand smoke has made changes like these readily acceptable.

**Q: Does the CIAA apply on reservations?**

**A:** The CIAA does not apply to public facilities owned and operated by tribal governments or tribal members within their reservation of enrollment. The CIAA does apply to non-member owned public facilities operating on non-tribal lands within reservations.

**Q: Can citizens file complaints if a business is not in compliance?**

**A:** Yes. The simplest way citizens can file complaints is by visiting [tobaccofree.mt.gov](http://tobaccofree.mt.gov). Citizens also may file complaints by calling their local health department or the Montana Tobacco Use Prevention Program at 406-444-7408. Signed complaints, including those filed electronically by an identified individual, are evidence of a violation.

**Q: How should a business respond if a patron refuses to stop smoking in the establishment?**

**A:** If a patron refuses to stop smoking in your establishment, use the same techniques you already employ to remove a quarrelsome customer. Bouncers and local law enforcement can help in the same way as they would for any other problem customer.

If a business is allowing patrons to smoke in the establishment, file a complaint at [tobaccofree.mt.gov](http://tobaccofree.mt.gov) and the local health department will investigate the possible violation of the CIAA.

**Q: What are the penalties for violation of the law?**

**A:** Business owners, managers, and operators found in violation of the CIAA will receive an educational letter before the penalties under § 50-40-115, MCA, are applied. Most violations are resolved with an educational letter. If a business continues to violate the law, the business will receive the following:

- 1) A written warning for the first violation;
- 2) A written reprimand for the second violation; and
- 3) A fine of \$100 for a third violation, \$200 for a fourth violation, and \$500 for a fifth or subsequent violation.

A person who owns, manages, operates, or otherwise controls a public place or place of employment and fails to comply with the provisions of the CIAA is guilty of a misdemeanor after a third violation within a 3-year period. The law also provides that any individual who smokes in an area where smoking is prohibited is guilty of a misdemeanor and subject to a fine of up to \$100. § 50-40-115, MCA.

**Q: Where can I obtain or view the law and administrative rules in entirety?**

**A:** You can read and download the [full language of law](#) and [administrative rules](#). For more information, contact your local health department, call 406-444-7408, email [infotobaccofree@mt.gov](mailto:infotobaccofree@mt.gov), or visit [tobaccofree.mt.gov](http://tobaccofree.mt.gov).

**Q: How can I become a champion for the CIAA?**

**A:** You can contact a Tobacco Education Specialist through your local health department or the Montana Tobacco Use Prevention Program at 406-444-7408 or [infotobaccofree@mt.gov](mailto:infotobaccofree@mt.gov). There are many resources available for the general public, health care providers, and community leaders.

**Q: I'm ready to quit using nicotine. What resources are available to help me?**

**A:** Quit Now Montana (1-800-784-8669 or [QuitNowMontana.com](http://QuitNowMontana.com)) is a free service available to all Montanans who are ready to quit any form of tobacco, including e-cigarettes. Quit Now Montana offers free nicotine replacement therapy, cessation medications with a prescription, free counseling with a certified quit coach, and a personalized quit plan. Quit Now Montana also offers free chat services with a live coach and texting options for those under the age of 25. Specialized programs are available for American Indians, pregnant women, youth, and people with behavioral health conditions.

