

Smoke-Free Arizona Newsletter

Volume 2 Issue 3
November 2011

Private Residences

Private residences are one of the seven exemptions of the Smoke-Free Arizona Act, A.R.S. § 36-601.01 ("the Act"). Smoking is allowed in private residences, **except** when the residence is used as a licensed child care, adult day care, or health care facility. In licensed facilities, smoking is allowed outside and on outdoor patios in, such as back porches or balconies, as long as tobacco smoke does not enter into the licensed private residence.

Multi-Family Housing

Individual Units

Smoking inside individual multi-family housing units such as apartments, condominiums, or duplexes is allowed. Each individual unit is exempt from the Act because they are considered private residences; therefore, tenants can smoke on their balconies, patios, or decks even if it is within 20 feet of a neighboring unit.

The Act does not address smoke entering into a private residence from outside, through a ventilation system, or from a neighboring residence. Please keep in mind that a proprietor may designate their rental unit as non-smoking. Multifamily housing residents should follow the smoking policy set by their landlord.

Enclosed Common Areas

Smoking is prohibited inside and within 20 feet of entrances, open windows, or ventilation systems of **enclosed** common areas of multi-family housing such as the main office, laundry room, fitness center, activity center, or clubhouse.

Outdoor Common Areas

Smoking is allowed outdoors as long as smoking occurs at least 20 feet away from entrances, open windows, or ventilation systems of enclosed common areas where smoking is prohibited unless defined differently by a local ordinance.

Outdoor common areas may include courtyards, sidewalks, walkways, tennis courts, volleyball courts, basketball courts, playgrounds, or swimming pools. Please remember that a proprietor may designate the entire property as non-smoking.

Swimming Pools

Smoking around **outdoor** swimming pools, such as the ones in apartment complexes or condominiums, is allowed. Smoke should not enter into enclosed common areas where smoking is prohibited. Enclosed areas near pools may include laundry rooms, activity centers, clubhouses, bathrooms, or changing rooms.

Swimming pools may have their own smoking policy set by the proprietor. Multi-family housing residents should follow the smoking policy set by the proprietor of their residential complex.

Compliance

County health departments will investigate complaints about violations of the Smoke-Free Arizona Act. **Please keep in mind that Smoke-Free Arizona Program officials can only enforce the provisions defined in the Act.** Smoke-Free Arizona Program officials do not enforce local ordinances or in-house smoking policies that are more strict than the Smoke-Free Arizona Act.

For more information:
Call us at 1-877-297-8677

To Report a Violation:
Call us at 1-877-429-6676



Visit our website at: smokefreearizona.org