



Lincoln-Lancaster County Health Department Air Quality Program Outdoor Smoking Area Compliance Check List and Calculation Sheet for the Nebraska Clean Indoor Air Act

What is the purpose of the Nebraska Clean Indoor Air Act?

- The Nebraska Legislature established the [Nebraska Clean Indoor Air Act \(NCIAA\) of 2008](#), which required indoor workplaces in Nebraska to be smoke-free as of June 1, 2009. The purpose of the NCIAA is to protect the public health and welfare by prohibiting smoking in public places and places of employment. The NCIAA eliminated smoking in enclosed indoor workspaces including restaurants, bars, keno establishments, other workplaces (retail/office space, manufacturing, etc.) and indoor public places.

What constitutes an 'outdoor smoking area'?

- 'Outdoor smoking areas' are designated areas provided to patrons and/or employees for the purpose of smoking in a semi-enclosed, sheltered space. These areas are characterized as having a full or partial roof/ceiling, and also having at least 20% of the total wall area (in square feet) open to the outdoors. Smoking areas with less than 20% open space are considered 'indoor areas', in which smoking is prohibited. For areas with walls in excess of eight feet tall, only the first eight feet of the wall's height is used to calculate the 'total wall area' upon which the 20% requirement is based.
- Any obstructions in the open space, such as signs, posts, lattice, fencing, etc. must be calculated and subtracted from the calculated open space, as these obstructions impede airflow and reduce the square footage of open space provided to the outdoors.
- The open space provided to the outdoors must also be permanent and non-closeable. This means that any open space provided through a door, window, garage door, or other closeable opening cannot be counted toward the square footage of open space provided to the outdoors.

How do I know if my smoking area is in compliance with the NCIAA?

- If your smoking area has no roof or ceiling, or similar overhead covering, then it is in compliance with the NCIAA, as it would not be considered an 'indoor area'.
- If your smoking area does have a full or partial roof, and has any full or partial walls, then it is recommended that you use this guidance document to determine whether your smoking area is in compliance with the NCIAA.

What is the purpose of this document, and when do I need to submit it?

- The purpose of this form is to help you determine if your smoking area is in compliance with the NCIAA. You can use this document in conjunction with the 'Outdoor Smoking Area – Compliance Guidance' document available on the [LLCHD Air Quality Program Forms and Applications Page](#) to help you perform calculations demonstrating compliance with the NCIAA.

Where can I get more information on the NCIAA?

- The [Nebraska Department of Health and Human Services NCIAA page](#) has many resources that you may find useful.
- You can also find more information on the NCIAA and the 'Lincoln Smoking Regulation Act' (Lincoln Municipal Code 8.50) on the [LLCHD's Indoor Air Quality page](#).

Where do I send the completed form?

- Send a copy of the signed and completed form to the following. Keep an additional copy for your records.

Lincoln-Lancaster County Health Department
ATTN: Air Quality Program
3131 O Street
Lincoln, NE 68510

If you have any questions about this rule, or need any help completing this form, please call the LLCHD Air Quality Program at (402) 441-8040.

Description of Smoking Area

If you have architectural plans/drawings of your outdoor smoking area, which includes all dimensions, you may submit copies of those plans instead of filling out this page.

In the space provided below, please draw an overhead view of the outdoor smoking area, including dimensions of all surrounding walls, as well as the dimensions of any roof or covering over the outdoor smoking area.

In the space provided below, please provide drawings of all walls surrounding the outdoor smoking area, including dimensions of the wall and open space. Also include drawings of any materials or obstructions in the provided open space. Please provide a label for each wall to identify it on the following calculation page (can be a number, or a directional label, e.g. 'North Wall', 'South Wall', etc.)

Smoking Area Calculations

If you have architectural plans/drawings of your outdoor smoking area, which includes all dimensions, you may submit copies of those plans instead of filling out this page.

Calculating 'Total Wall Square Footage' (TWSF)

Please identify each wall, and provide the dimensions of the wall in the provided blanks. Only include wall height up to 8 feet high. Multiply the length by the height of each wall to determine the square feet of each wall.

Wall Description or Identifier	Wall Length (feet)	×	Wall Height (feet)	=	Per Wall Square Feet (ft ²)
		×		=	
		×		=	
		×		=	
		×		=	
		×		=	
		×		=	
		×		=	
		×		=	
Sum of the square feet of all walls =					ft² = TWSF

Calculating 'Required Permanent Open Space' (RPOS)

Multiply TWSF by 0.20 (20%) to determine Required Permanent Open Space.

TWSF (sum from above) =	ft ²	×	0.20 (20%)	=	ft² = RPOS
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Calculating 'Permanent Open Space Present' (POSP)

Identify and provide the dimensions of the open spaces in the blanks provided below. For each open space, multiply the length by the height to determine the square feet of open space for each opening.

Wall Description or Identifier	Opening Length (feet)	×	Opening Height (feet)	=	Square Feet of Open Space (ft ²)
		×		=	
		×		=	
		×		=	
		×		=	
		×		=	
		×		=	
		×		=	
		×		=	
Sum of the square feet of all openings =					

Obstructions

If you have obstructions in the provided open spaces, e.g. bars, signs, lattice, screen, chain-link fence, etc., calculate the amount of surface area that the obstruction(s) provide, and subtract that from the sum of square feet of all openings to determine the Permanent Open Space Present.

Square feet of all openings (sum from above)	ft ²	–	ft ²	=	ft² POSP
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If your calculated 'Permanent Open Space Present' (POSP) is less than the 'Required Permanent Open Space' (RPOS), your smoking area is considered "indoors" and does not comply with the Nebraska Clean Indoor Air Act, and cannot be utilized as an "outdoor smoking area" in accordance with Neb. Rev. Stat. §71-5723.