

Vaping Is Not Allowed In Any Indoor Public Space

Lincoln Smoking Regulation Act 8.50

Frequently Asked Questions

How does the Nebraska Clean Indoor Air Act affect the Lincoln Smoking Regulation Act?

The Nebraska Clean Indoor Air Act (NCIAA) supports cleaner, safer air for all Nebraskans. It protects the public's health and welfare by prohibiting smoking in public places and places of employment. On August 6, 2020, Governor Ricketts signed LB840 which amended the NCIAA to also prohibit the indoor public use of electronic smoking devices (ESDs). The law does include an exemption for ESD retail outlets. However, on January 1, 2020, ESD use (vaping) was prohibited in all places of employment and indoor public places in Lincoln. Therefore, it remains unlawful for anyone to use an ESD in any indoor public or workspace in the City of Lincoln, including electronic smoking device retail outlets.

What is the purpose of including vaping in the Lincoln Smoking Regulation Act?

The purpose of this ordinance is to protect workers and the public from exposure to secondhand aerosol in addition to secondhand smoke. People exposed to e-cigarette aerosol can absorb nicotine. Much like cigarette smoke, e-cigarette aerosol produces ultrafine particles, which settle deeply into the lungs when inhaled, which can cause damage to the lung tissue. Secondhand aerosol is especially dangerous for those with asthma or other breathing conditions and can cause respiratory distress and disease. Adding electronic cigarettes to prevent exposure to secondhand aerosols will ensure we continue to protect the health of our community.

What is considered vaping?

Vaping is the inhaling and exhaling of the aerosol or vapor products by any electronic cigarette. An electronic cigarette is any device capable of containing any substance, including but not limited to, nicotine that can be used by a person in any manner for the purpose of inhaling vapor or aerosol from the device including, but not limited to, an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.

What is considered an indoor space?

Indoor space is defined as "an area enclosed by a floor, a ceiling and walls on all sides that are continuous and solid except for closeable entry and exit doors and windows and in which less than twenty percent of the total wall area is permanently open to the outdoors. For walls in excess of eight feet in height, only the first eight feet shall be used in determining such percentage (as defined by the Nebraska Clean Indoor Air Act of 2008).

Who does this affect?

This ordinance applies to all businesses including private clubs and vapor bars. The only exemptions to this ordinance are businesses in private residences, scientific or analytical laboratories that are conducting research into the health effects of smoking/vaping, and hotels/motels/inns that may designate up to 20% of their guestrooms or suites as smoking/vaping which must be identified with permanent signs.

Who enforces this ordinance and how will it be enforced?

The Lincoln-Lancaster County Health Department and Lincoln Police Department will be working together to initially follow-up with businesses on all complaints of possible violations of smoking or vaping in a place of employment or indoor public place for education and assistance in complying with the ordinance. The Lincoln Police Department has the authority to write tickets to business persons-in-charge who are allowing vaping to occur in the business and to individuals who are vaping in a business. Complaints about vaping will be addressed by Health Department staff with a letter and personal visit and could lead to inspections by the Lincoln Police Department to determine compliance with the law. Both the health and law enforcement agencies are authorized to inspect a place of employment or public place at any reasonable time to determine compliance. If you would like to report a complaint to the Health Department call (402) 441-4108.

What do I do if someone in my business is vaping?

As the person in charge of the business, you should first ask the individual, employee or customer, to refrain from vaping in your establishment due to the City Ordinance.

If the individual, employee or customer, refuses to stop vaping you may call the Lincoln Police Department at the non-emergency number, 402-441-6000 to ask for assistance with the individual.

How do I include vaping and e-cigarettes in a smoke-free policy?

- Inform customers and employees that all businesses in Lincoln are vapor and smoke free and are expected to comply with the law.
- Post “No Smoking, Including E-cigarettes” signs in visible places, including entrances and restrooms. (“No Smoking, Including E-cigarettes” door decals are available at no charge through the Lincoln-Lancaster County Health Department at 402-441-4108.)
- Develop personnel procedures that include when and where smoking and vaping breaks can be taken and what happens when an employee violates the policy.
- Train employees about the law, including what to say to vaping customers.
- For tobacco free campus policy assistance including electronic cigarettes call (402) 441-4108.



What resources are available to help employees quit vaping?

- The Nebraska Tobacco Quitline, 1-800-QUIT NOW (1-800-784-8669), gives Nebraska residents 24/7 free access to counseling and support services. Calls are answered by trained cessation coaches who offer a choice of services including telephone counseling, self-help materials, referrals to community programs, or a combination of the services. All information you provide to the Quitline is completely confidential.
- Spanish-speaking residents can call 1-855- DEJELO YA (1-855-3569)
- More local and online resources are available at tobaccofreelancastercounty.org.