

This is a list of businesses in Omaha that may allow smoking under the Omaha Smoke-Free Ordinance

Updated: July 15, 2008

Thanks to Shelly Hug and the Marylebone the temporary smoky exceptions in the Omaha Smoke-Free Ordinance have been declared unconstitutional by the Nebraska Supreme Court. They filed suit against the City of Omaha on July 23, 2006. Please thank Ms. Hug for taking this action by going to her restaurant at 3710 Leavenworth Street in Omaha for lunch or dinner.

On May 30, 2008 the Nebraska Supreme Court ruled in favor of citizens' right to breathe clean air in Omaha. They ruled that the temporary exemptions in Omaha's ordinance, which allowed smoking until May 14, 2011 in bars, restaurants with keno, Horsemen's Park and tobacco stores, are unconstitutional. This changed the Omaha ordinance so all of those businesses must be smoke-free **all of the time, not just when they are open to the public**. The 13 page Supreme Court ruling may be found at: <http://www.supremecourt.ne.gov/opinions/2008/may/may30/s07-324.pdf>

On June 16, 2008 Judge John D. Hartigan, Jr. issued his ruling consistent with the Supreme Court order, removing the temporary smoky exemptions from Omaha's smoke-free ordinance. From that date, just about every business in Omaha should be 100 percent smoke free.

If you know of a business inside of Omaha that is allowing smoking inside their building or vehicles, please let GASP know by sending an email note to info@OmahaSmokeFreeLaw.com.

The exceptions that are still allowed in the ordinance are:

- 1) Hotels and motels which may allow smoking only in 20% or less of their guest rooms.
- 2) Nursing homes, long-term care facilities, and scientific or analytical laboratories also may allow smoking under certain circumstances.
- 3) Tobacco only outlets.

Please refer to the Omaha Ordinance, Section 12-165. "Where Smoking is Not Regulated", at: www.OmahaSmokeFreeLaw.com for more detailed information.

The following four groups of businesses, formerly granted a temporary exemption, no longer may allow smoking. They must be smoke-free.

1. Live and simulcast horse racing
2. Restaurants with Keno.
3. Stand-alone bars with limited food service
4. Tobacco retailers, unless they sell ONLY tobacco and tobacco related goods.

Thanks Shelly!