

**TITLE 6: CRIMES AND CRIMINAL PROCEDURE**  
**DIVISION 3 : MISCELLANEOUS OFFENSES**

**§ 3178. Where Smoking Not Regulated.**

Notwithstanding any provision of this article to the contrary, the following areas shall be exempt from the provisions of [6 CMC §§ 3173](#) and [3174](#):

(a) Bars, including open air bars, but not attached bars, at the earlier of

- (1) an established time when the kitchen ceases servicing dinner meals or
- (2) 10:00 p.m.;

(3) provided that smoke from these places does not infiltrate into areas where smoking is prohibited under the provisions of this article.

(b) Private residences, except when used as a licensed child care, adult day care, or health care facility.

(c) Hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided, however, that not more than thirty percent of rooms and attached balconies of such rooms rented to guests in a hotel or motel may be so designated. The status of rooms as smoking or nonsmoking may not be changed, except to add additional nonsmoking rooms. Each establishment shall designate its smoking and nonsmoking areas. Smoke from the designated smoking rooms shall not infiltrate into areas where smoking is prohibited under the provisions of this article.

(d) Private and semi-private rooms in nursing homes and long-term care facilities that are occupied by one or more persons, all of whom are smokers and have requested in writing to be placed in a room where smoking is permitted; provided that smoke from these places does not infiltrate into areas where smoking is prohibited under the provisions of this article.

(e) Outdoor areas of places of employment except those covered by the provisions of [6 CMC §§ 3174](#) and [3177](#).

(f) Enclosed gaming areas of a casino establishment.

(g) Fully enclosed and well-ventilated smoking areas at the departure terminal of Commonwealth airports.

**Source:** [PL 16-46](#), § 3(3177), modified; (c) amended by [PL 17-31](#) § 2 (Feb. 16, 2011), modified; renumbered by [PL 19-82](#) § 2 (Jan. 20, 2017).

**Commission Comment:** The Commission replaced public law section references with the corresponding codified section numbers and removed figures that repeated words pursuant to [1 CMC § 3806\(c\) and \(e\)](#).

In codifying [PL 19-82](#), the Commission renumbered this section from [6 CMC 3177](#) pursuant to [1 CMC § 3806\(a\)](#). The Commission changed the reference “[6 CMC §§ 3174](#) and 3176” to “[6 CMC §§ 3174](#) and 3177” to agree with the renumbered section pursuant to [1 CMC § 3806\(c\)](#).