

85150 0442

HOUSE BILL 0175

HB0175

AN ACT to create W.S. 35-22-101 through 35-22-108 relating to smoking; prohibiting smoking in public places; providing exceptions; providing definitions; granting enforcement and rulemaking authority; providing for penalties; and providing for an effective date.

HOUSE BILL 0175

Introduced by: *Seymour Shain*

DATE	ACTION	DATE	ACTION
JAN 8 1985	READ FIRST TIME		
	REFERRED TO COM. NO. <u>10</u>		
	DELIVERED TO COM. NO. <u>10</u>		
JAN 18 1985	RETURNED		
	Recommended Amended and Do Pass <i>2/18/85</i>		
JAN 22 1985	CONSIDERED IN COM. OF WHOLE		
	RECOMMENDED DO <u>PASS</u>		
JAN 23 1985	READ SECOND TIME		
	Amended as follows <u>HB175 H21 /A</u>		
	ADOPTED		
JAN 24 1985	READ THIRD TIME		
	PASS		
	<i>Rep. Michael ... Absent 1</i>		
	<i>Ayes 16, Nays 17, Excused 1, Absent 0</i>		
	Sent to Senate		
	ENGROSSED		
1/25	<i>Sent to Senate</i>		
1/25/85	Received from House		
	Read first time		
	Referred to Com. No. <u>10</u>		
	Delivered to Com. No. <u>16</u>		
2/9/85	STANDING COMM. REPORT		
	AMENDED <i>and Do Pass</i>		
2/19/85	CONSIDERED ON COM. OF WHOLE		
	STANDING COM. AMDT. ADOPTED <u>HB175 SGA</u>		
	AMENDED AS FOLLOWS <u>HB175 ASWLA</u>		
	<i>Recommended DO NOT PASS</i>		
	<i>Minority Responed</i>		

CONTINUED ON BACK

96B175 Rep Micheli called Date 1/28/85
for Ayes: 42
Recorded: 42
Lines: 2-11

HOUSE ROLL CALL

FORTY-EIGHTH WYOMING LEGISLATURE

	Ayes	Noes	Excused	Absent		Ayes	Noes	Excused	Absent
ARNOLD		✓			MURPHY	✓			
BAKER		✓			ODDE	✓			
BARLOW		✓			PARKER	✓			
BIRLEFFI	✓				PERKINS		✓		
BLACKWELL	✓				RATLIFF	✓			
BROWN	✓				ROBERTSON	✓			
BUDD	✓				RYCKMAN	✓			
BURNS	✓				SALISBURY	✓			
BURTON	✓				SANDERS		✓		
BYRD	✓				SCHWOPE		✓		
CHAMBERLAIN	✓				SHREVE				✓
CROSS		✓			SMITH				
CROWLEY	✓				SIMONS	✓			
DICKEY	✓				SORENSEN		✓		
DOBOS	✓				STAUFFER		✓		
GERINGER		✓			STRAND	✓			
GETTER	✓				TATE	✓			
GRANT	✓				THOMAS	✓			
HAGEMAN	✓				TIBBS		✓		
HANSEN		✓			TIPPETS		✓		
HARRISON	✓				TIPTON		✓		
HERBST	✓				TYSDAL	✓			
HINES	✓				WAGGENER		✓		
HUMPHREY	✓				WALLIS	✓			
JACKSON	✓				WEAVER	✓			
JENSEN	✓				WOLFLEY		✓		
JONES	✓				ZIMMERMAN	✓			
KUNZ		✓			ZUMBRUNNEN	✓			
LAMB		✓			MR. SPEAKER		✓		
LUMMIS	✓								
MACMILLAN	✓								
MALDONADO	✓								
MARTON	✓								
MCILVAIN		✓							
MEENAN	✓								
MICHELI		✓							

PRESENT _____ AYES 42
 NOES 21
 EXCUSED _____
 ABSENT 1
 TOTAL 64
 LESS _____

HB 175 Third Reading Date January 24, 1985

HOUSE ROLL CALL

FORTY-EIGHTH WYOMING LEGISLATURE

	Ayes	Noes	Excused	Absent		Ayes	Noes	Excused	Absent
ARNOLD	✓	✓			MURPHY	✓			
BAKER	✓				ODDE	✓	✓		
BARLOW	✓				PARKER	✓			
BIRLEFFI	✓				PERKINS	✓			
BLACKWELL	✓	✓			RATLIFF	✓	✓		
BROWN	✓				ROBERTSON	✓			
BUDD	✓	✓			RYCKMAN	✓			
BURNS	✓	✓			SALISBURY	✓			
BURTON	✓	✓			SANDERS	✓			
BYRD	✓				SCHWOPE	✓			
CHAMBERLAIN	✓				SHREVE	✓			
CROSS	✓				SMITH				
CROWLEY	✓				SIMONS	✓	✓		
DICKEY	✓				SORENSEN	✓			
DOBOS	✓	✓			STAUFFER	✓			
GERINGER	✓	✓			STRAND	✓	✓		
GETTER	✓	✓			TATE	✓	✓		
GRANT	✓	✓			THOMAS	✓			
HAGEMAN	✓	✓			TIBBS	✓			
HANSEN	✓				TIPPETS	✓			
HARRISON	✓				TIPTON	✓			
HERBST	✓				TYSDAL	✓			
HINES	✓	✓			WAGGENER	✓			
HUMPHREY	✓				WALLIS	✓	✓		
JACKSON	✓				WEAVER	✓	✓		
JENSEN	✓	✓			WOLFLEY	✓			
JONES	✓				ZIMMERMAN	✓			
KUNZ	✓				ZUMBRUNNEN	✓			
LAMB	✓				MR. SPEAKER	✓			
LUMMIS	✓				PRESENT _____ AYES <u>46</u> NOES <u>17</u> EXCUSED _____ ABSENT _____ TOTAL <u>64</u> LESS <u>18</u> <u>46</u>				
MACMILLAN	✓								
MALDONADO	✓								
MARTON	✓	✓							
MCILVAIN	✓								
MEENAN	✓			✓					
MICHEL	✓								

THE LEGISLATURE OF THE STATE OF WYOMING

House of Representatives

HB 0175 #51/

Cheyenne, January 17, 1985

Mr. Speaker:

Your Committee No. 10 on Labor, Health and Social Services
to whom was referred HB No. 0175
respectfully reports same back to the House with the recommendation that DO PASS with
the following amendments:

SEE ATTACHED SCHEDULE A.

AYESNOESEXCUSED

Herbst
Maldonado
Micheli
Schwope
Tibbs
Tipton
Tysdal
Sanders

Hines
Marton

Murphy

Grant L. Sanders,

Chairman

HB 175

HB0175SS1/AE TO ENGROSSED COPY

HB0175A be substituted for HB0175 and that HB0175A do pass.
-DIXON

HB0175ASW1/A

Page 5-line 19 Delete "of". -DIXON

2 Page 2-lines 11 through 19 Delete entirely and insert:

3 "(iii) "Public place" means an enclosed, indoor
4 area used by the general public or serving as a place of
5 work which is owned or controlled by the state of Wyoming,
6 or elevators, auditoriums of cultural facilities, health
7 care facilities or rooms of government owned buildings in
8 which a public meeting is taking place but excluding pri-
9 vate, enclosed rooms or offices occupied exclusively by
10 smokers even though the rooms or offices may be visited by
11 nonsmokers;".

12 Page 3-line 13 Delete "factories," and delete "refineries"
13 and insert "garages".

14 Page 4-line 2 Delete "may" and insert "shall"; delete
15 "proprietors".

16 Page 4-line 3 Delete "or other".

17 Page 4-line 8 Delete "the toxic" and insert "any poten-
18 tial".

19 Page 4-line 12 Following "area" insert "and the other side
20 of the room is reserved and posted as a
21 smoking area"; after "." delete balance of
22 line.

23 Page 4-line 13 Delete entirely.

24 Page 4-lines 14 through 16 delete entirely.

25 Page 4-line 17 Delete "proprietor" and insert "person in
26 charge".

27 Page 4-line 18 Delete "proprietor or other".

28 Page 4-line 20 Following "in" insert "the nonsmoking areas
29 of".

30 Page 5-line 4 Delete "client, customer or employee" and
31 insert "person".

32 Page 5-line 19 Delete "fifty" and insert "ten"; delete
33 "\$50.00" and insert "\$10.00". -SANDERS,
34 CHAIRMAN

df

1 HB0175H31/ F

2 Delete the Humphrey second reading amendment (HB0175H21/A)

3 Further amend as follows:

4 Page 4-line 12 After "." delete balance of line.

5 Page 4-lines 13 through 16 Delete entirely and insert:

6 "(c) Any of the following public places may be desig-
7 nated as a smoking area in its entirety, provided the desig-
8 nation is prominently posted at all public places:

9 (i) A bar;

10 (ii) Any public place containing less than five
11 thousand (5,000) square feet, except restaurants and busi-
12 ness establishments selling packaged food." -HANSEN

DW

House of Intro				Second House			
_____	To Com. No.	_____		_____	To Com No.	_____	
_____	Stand Report	Do _____	Amd _____	Not _____	_____	Stand Report	Do _____
_____	Com Whole	Do _____	Amd _____	Not _____	_____	Com Whole	Do _____
_____	2nd Reading	Amd _____			_____	2nd Reading	Amd _____
_____	3rd Reading	Amd _____	Pass _____	Fail _____	_____	3rd Reading	Amd _____
							Pass _____
							Fail _____

1985

STATE OF WYOMING

85LSO-0449/eng/SUB
NOT ADOPTED

HOUSE BILL NO. 0175A

Smoking in public places.

Sponsored by: Representative(s) MCILVAIN

A BILL

for

1 AN ACT to create W.S. 35-22-101 through 35-22-108 relating
2 to smoking; prohibiting smoking in public places; provid-
3 ing exceptions; providing definitions; granting enforce-
4 ment and rulemaking authority; providing for penalties;
5 and providing for an effective date.

6 Be It Enacted by the Legislature of the State of Wyoming:

7 Section 1. W.S. 35-22-101 through 35-22-108 are cre-
8 ated to read:

9 CHAPTER 22

1 SMOKING IN PUBLIC PLACES PROHIBITED

2 35-22-101. Citation. This act may be cited as the
3 "Wyoming Clean Indoor Air Act".

4 35-22-102. Definitions.

5 (a) As used in this act:

6 (i) "Division" means the division of health
7 and medical services of the department of health and
8 social services;

9 (ii) "Government facility" means any building
10 owned or leased by the state or any of its political sub-
11 divisions excluding those areas of buildings used for
12 domicile or residence by any person;

13 (iii) "Public meeting" means any meeting open
14 to the public pursuant to W.S. 16-4-403;

15 (iv) "Public place" means:

16 (A) Enclosed, indoor areas of government
17 facilities used by the general public;

18 (B) A place of work within a government
19 facility excluding private enclosed rooms or offices occu-
20 pied exclusively by smokers even though the rooms or offi-

1 ces may be visited by nonsmokers;

2 (C) Elevators;

3 (D) Auditoriums of cultural facilities;

4 (E) Health care facilities excluding
5 private offices or lounges of such facilities which are
6 not open to the general public;

7 (F) Rooms of government facilities in
8 which public meetings are held.

9 (v) "Smoking" includes carrying a lighted
10 cigar, cigarette, pipe or any other lighted smoking equip-
11 ment;

12 (vi) "This act" means W.S. 35-22-101 through
13 35-22-108.

14 35-22-103. Prohibitions.

15 (a) No person shall smoke in a public place or at a
16 public meeting except in designated smoking areas. This
17 prohibition does not apply:

18 (i) In cases in which an entire room or hall
19 of a public place is used for a private social function
20 and seating arrangements are under the control of the

1 sponsor of the function;

2 (ii) To warehouses, garages and similar places
3 of work in government facilities not usually frequented by
4 the general public, except that the occupational health
5 and safety commission, in consultation with the division,
6 shall establish rules to restrict or prohibit smoking in
7 those places of work where the close proximity of workers
8 or the inadequacy of ventilation causes smoke pollution
9 detrimental to the health and comfort of nonsmoking
10 employees.

11 35-22-104. Designation of smoking areas.

12 (a) Smoking areas shall be designated by the build-
13 ing superintendent or other person in charge of the public
14 place, except in places in which smoking is otherwise pro-
15 hibited by law, ordinance or rule promulgated in accor-
16 dance with the provisions of this act.

17 (b) Existing physical barriers and ventilation sys-
18 tems shall be used in designated smoking areas to minimize
19 any potential effect of smoke in adjacent nonsmoking
20 areas. In the case of public places consisting of a sin-
21 gle room, the provisions of this act shall be considered
22 met if one side of the room is reserved and posted as a

1 nonsmoking area and the other side of the room is reserved
2 and posted as a smoking area.

3 35-22-105. Responsibilities of person in charge. The
4 building superintendent or other person in charge of the
5 public place shall post signs designating smoking or
6 nonsmoking areas.

7 35-22-106. Department of health and social services;
8 waiver of provisions of this act.

9 (a) The division may promulgate rules pursuant to
10 the Wyoming Administrative Procedure Act to implement the
11 provisions of W.S. 35-22-104 and 35-22-105.

12 (b) The division, for good cause shown, may waive
13 the provisions of this act, if it determines that the
14 waiver will not significantly affect the health, comfort
15 and environment of nonsmokers.

16 35-22-107. Penalties. Any person smoking in any area
17 other than a designated smoking area within a public place
18 is guilty of a misdemeanor and upon conviction shall be
19 fined of not more than twenty-five dollars (\$25.00).

20 35-22-108. Enforcement. The division may institute
21 appropriate legal action in any court with jurisdiction to

1 enforce the provisions of this act.

2 Section 2. The purpose of this act is to protect the
3 public health, comfort and environment by prohibiting
4 smoking in public places and at public meetings except in
5 designated smoking areas.

6 Section 3. This act is effective May 23, 1985.

7 (END)

1 HB0175H21/A

2X ✓ Page 2-lines 11 through 19 Delete entirely and insert:

3 "(iii) "Public place" means an enclosed, indoor
4 area used by the general public or serving as a place of
5 work which is owned or controlled by the state of Wyoming,
6 or elevators, auditoriums of cultural facilities, health
7 care facilities or rooms of government owned buildings in
8 which a public meeting is taking place but excluding pri-
9 vate, enclosed rooms or offices occupied exclusively by
10 smokers even though the rooms or offices may be visited by
11 nonsmokers;".

12 X ✓ Page 3-line 13 Delete "factories," and delete "refineries"
13 and insert "garages".

14 X ✓ Page 4-line 2 Delete "may" and insert "shall"; delete
15 "proprietors".

16 ✓ ✓ Page 4-line 3 Delete "or other".

17 X ✓ Page 4-line 8 Delete "the toxic" and insert "any poten-
18 tial".

19 X ✓ Page 4-line 12 Following "area" insert "and the other side
20 of the room is reserved and posted as a
21 smoking area"; after "." delete balance of
22 line.

23 X ✓ Page 4-line 13 Delete entirely.

24 X ✓ Page 4-lines 14 through 16 delete entirely.

25 X ✓ Page 4-line 17 Delete "proprietor" and insert "person in
26 charge".

27 X ✓ Page 4-line 18 Delete "proprietor or other".

28 X ✓ Page 4-line 20 Following "in" insert "the nonsmoking areas
29 of".

30 X ✓ Page 5-line 4 Delete "client, customer or employee" and
31 insert "person".

32 X ✓ Page 5-line 19 Delete "fifty" and insert "ten"; delete
33 "\$50.00" and insert "\$10.00". -HUMPHREY

ADOPTED

SCHEDULE A

LSO/HB0175/1:0

Page 2-lines 11 through 19 Delete entirely and insert:

"(iii) "Public place" means an enclosed, indoor area used by the general public or serving as a place of work which is owned or controlled by the state of Wyoming, or elevators, auditoriums of cultural facilities, health care facilities or rooms of government owned buildings in which a public meeting is taking place but excluding private, enclosed rooms or offices occupied exclusively by smokers even though the rooms or offices may be visited by nonsmokers;".

Page 3-line 13 Delete "factories," and delete "refineries" and insert "garages".

Page 4-line 2 Delete "may" and insert "shall"; delete "proprietors".

Page 4-line 3 Delete "or other".

Page 4-line 8 Delete "the toxic" and insert "any potential".

Page 4-line 12 Following "area" insert "and the other side of the room is reserved and posted as a smoking area"; *after "delete balance of line.*

Page 4-line 13 Delete ~~"If a bar"~~ *entirely.*

Page 4-lines 14 through 16 delete entirely.

Page 4-line 17 Delete "proprietor" and insert "person in charge".

Page 4-line 18 Delete "proprietor or other".

Page 4-line 20 Following "in" insert "the nonsmoking areas of".

Page 5-line 4 Delete "client, customer or employee" and insert "person".

Page 5-line 19 Delete "fifty" and insert "ten"; delete "\$50.00" and insert "\$10.00".

House of Intro
To Com. No. _____
Stand Report Do ___ Amd ___ Not ___
Com Whole Do ___ Amd ___ Not ___
2nd Reading Amd ___
3rd Reading Amd ___ Pass ___ Fail ___

Second House
To Com No. _____
Stand Report Do ___ Amd ___ Not ___
Com Whole Do ___ Amd ___ Not ___
2nd Reading Amd ___
3rd Reading Amd ___ Pass ___ Fail ___

INTRODUCED

1985

STATE OF WYOMING

85LSO-0449.01

HOUSE BILL NO. 0175

Smoking in public places.

Sponsored by: Representative(s) MCILVAIN

A BILL

for

1 AN ACT to create W.S. 35-22-101 through 35-22-108 relating
2 to smoking; prohibiting smoking in public places; provid-
3 ing exceptions; providing definitions; granting enforce-
4 ment and rulemaking authority; providing for penalties;
5 and providing for an effective date.

6 Be It Enacted by the Legislature of the State of Wyoming:

7 Section 1. W.S. 35-22-101 through 35-22-108 are cre-
8 ated to read:

9 CHAPTER 22

- 1 -

NO SIGNIFICANT FISCAL IMPACT

HB 175

1 SMOKING IN PUBLIC PLACES PROHIBITED

2 35-22-101. Citation. This act may be cited as the
3 "Wyoming Clean Indoor Air Act".

4 35-22-102. Definitions.

5 (a) As used in this act:

6 (i) "Division" means the division of health
7 and medical services of the department of health and
8 social services;

9 (ii) "Public meeting" means any meeting open
10 to the public pursuant to W.S. 16-4-403;

11 (iii) "Public place" means any enclosed,
12 indoor area used by the general public or serving as a
13 place of work, including, but not limited to, retail
14 stores, offices and other commercial establishments, pub-
15 lic conveyances, educational facilities, hospitals, nurs-
16 ing homes, restaurants, auditoriums, arenas and meeting
17 rooms, but excluding private, enclosed offices occupied
18 exclusively by smokers even though such offices may be
19 visited by nonsmokers;

20 (iv) "Smoking" includes carrying a lighted
21 cigar, cigarette, pipe or any other lighted smoking equip-

1 ment;

2 (v) "This act" means W.S. 35-22-101 through
3 35-22-108.

4 35-22-103. Prohibitions.

5 (a) No person shall smoke in a public place or at a
6 public meeting except in designated smoking areas. This
7 prohibition does not apply:

8 (i) In cases in which an entire room or hall
9 is used for a private social function and seating arrange-
10 ments are under the control of the sponsor of the function
11 and not of the proprietor or person in charge of the room
12 or hall;

13 (ii) To factories, warehouses, refineries and
14 similar places of work not usually frequented by the gen-
15 eral public, except that the occupational health and
16 safety commission, in consultation with the division,
17 shall establish rules to restrict or prohibit smoking in
18 those places of work where the close proximity of workers
19 or the inadequacy of ventilation causes smoke pollution
20 detrimental to the health and comfort of nonsmoking
21 employees.

1 35-22-104. Designation of smoking areas.

2 (a) Smoking areas may be designated by proprietors
3 or other persons in charge of public places, except in
4 places in which smoking is prohibited by law, ordinance,
5 resolution or regulation.

6 (b) If smoking areas are designated, existing physi-
7 cal barriers and ventilation systems shall be used to min-
8 imize the toxic effect of smoke in adjacent nonsmoking
9 areas. In the case of public places consisting of a sin-
10 gle room, the provisions of this act shall be considered
11 met if one side of the room is reserved and posted as a
12 nonsmoking area. No public place other than a bar shall
13 be designated as a smoking area in its entirety. If a bar
14 is designated as a smoking area in its entirety, this des-
15 ignation shall be posted conspicuously on all entrances
16 normally used by the public.

17 35-22-105. Responsibilities of proprietor.

18 (a) The proprietor or other person in charge of a
19 public place shall make reasonable efforts to prevent
20 smoking in the public place by:

21 (i) Posting of appropriate signs;

1 (ii) Arranging seating to provide a smoke-free
2 area;

3 (iii) Asking smokers to refrain from smoking
4 upon request of a client, customer or employee suffering
5 discomfort from the smoke; or

6 (iv) Any other means which may be appropriate.

7 35-22-106. Department of health and social services;
8 waiver of provisions of this act.

9 (a) The division may promulgate reasonable rules and
10 regulations to implement the provisions of W.S. 35-22-104
11 and 35-22-105.

12 (b) The division, upon request, may waive the provi-
13 sions of this act, if it determines there are compelling
14 reasons to do so and that the waiver will not signifi-
15 cantly affect the health, comfort and environment of
16 nonsmokers.

17 35-22-107. Penalties. Any person who violates the
18 provisions of this act is guilty of a misdemeanor and sub-
19 ject to a fine of not more than fifty dollars (\$50.00).

20 35-22-108. Injunction. The division, a county or
21 municipal office of public health or any affected party

1 may institute an action in any court with jurisdiction to
2 enjoin repeated violations of W.S. 35-22-105.

3 Section 2. The purpose of this act is to protect the
4 public health, comfort and environment by prohibiting
5 smoking in public places and at public meetings except in
6 designated smoking areas.

7 Section 3. This act is effective May 23, 1985.

8 (END)

<p style="text-align: center;">House of Intro</p> <p>_____ To Com. No. _____</p> <p>_____ Stand Report Do ___ Amd ___ Not ___</p> <p>_____ Com Whole Do ___ Amd ___ Not ___</p> <p>_____ 2nd Reading Amd ___</p> <p>_____ 3rd Reading Amd ___ Pass ___ Fail ___</p>	<p style="text-align: center;">Second House</p> <p>_____ To Com No. _____</p> <p>_____ Stand Report Do ___ Amd ___ Not ___</p> <p>_____ Com Whole Do ___ Amd ___ Not ___</p> <p>_____ 2nd Reading Amd ___</p> <p>_____ 3rd Reading Amd ___ Pass ___ Fail ___</p>
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1985

STATE OF WYOMING

85LSO-0449/eng

HOUSE BILL NO. 0175

ENGROSSED

Smoking in public places.

Sponsored by: Representative(s) MCILVAIN

A BILL

for

1 AN ACT to create W.S. 35-22-101 through 35-22-108 relating
 2 to smoking; prohibiting smoking in public places; provid-
 3 ing exceptions; providing definitions; granting enforce-
 4 ment and rulemaking authority; providing for penalties;
 5 and providing for an effective date.

6 Be It Enacted by the Legislature of the State of Wyoming:

7 Section 1. W.S. 35-22-101 through 35-22-108 are cre-
 8 ated to read:

9 CHAPTER 22

1 SMOKING IN PUBLIC PLACES PROHIBITED

2 35-22-101. Citation. This act may be cited as the
3 "Wyoming Clean Indoor Air Act".

4 35-22-102. Definitions.

5 (a) As used in this act:

6 (i) "Division" means the division of health
7 and medical services of the department of health and
8 social services;

9 (ii) "Public meeting" means any meeting open
10 to the public pursuant to W.S. 16-4-403;

11 (iii) "Public place" means an enclosed, indoor
12 area used by the general public or serving as a place of
13 work which is owned or controlled by the state of Wyoming,
14 or elevators, auditoriums of cultural facilities, health
15 care facilities or rooms of government owned buildings in
16 which a public meeting is taking place but excluding pri-
17 vate, enclosed rooms or offices occupied exclusively by
18 smokers even though the rooms or offices may be visited by
19 nonsmokers;

20 (iv) "Smoking" includes carrying a lighted
21 cigar, cigarette, pipe or any other lighted smoking equip-

1 ment;

2 (v) "This act" means W.S. 35-22-101 through
3 35-22-108.

4 35-22-103. Prohibitions.

5 (a) No person shall smoke in a public place or at a
6 public meeting except in designated smoking areas. This
7 prohibition does not apply:

8 (i) In cases in which an entire room or hall
9 is used for a private social function and seating arrange-
10 ments are under the control of the sponsor of the function
11 and not of the proprietor or person in charge of the room
12 or hall;

13 (ii) To warehouses, garages and similar places
14 of work not usually frequented by the general public,
15 except that the occupational health and safety commission,
16 in consultation with the division, shall establish rules
17 to restrict or prohibit smoking in those places of work
18 where the close proximity of workers or the inadequacy of
19 ventilation causes smoke pollution detrimental to the
20 health and comfort of nonsmoking employees.

21 35-22-104. Designation of smoking areas.

1 (a) Smoking areas shall be designated by persons in
2 charge of public places, except in places in which smoking
3 is prohibited by law, ordinance, resolution or regulation.

4 (b) If smoking areas are designated, existing physi-
5 cal barriers and ventilation systems shall be used to min-
6 imize any potential effect of smoke in adjacent nonsmoking
7 areas. In the case of public places consisting of a sin-
8 gle room, the provisions of this act shall be considered
9 met if one side of the room is reserved and posted as a
10 nonsmoking area and the other side of the room is reserved
11 and posted as a smoking area.

12 35-22-105. Responsibilities of person in charge.

13 (a) The person in charge of a public place shall
14 make reasonable efforts to prevent smoking in the
15 nonsmoking areas of the public place by:

16 (i) Posting of appropriate signs;

17 (ii) Arranging seating to provide a smoke-free
18 area;

19 (iii) Asking smokers to refrain from smoking
20 upon request of a person suffering discomfort from the
21 smoke; or

1 (iv) Any other means which may be appropriate.

2 35-22-106. Department of health and social services;
3 waiver of provisions of this act.

4 (a) The division may promulgate reasonable rules and
5 regulations to implement the provisions of W.S. 35-22-104
6 and 35-22-105.

7 (b) The division, upon request, may waive the provi-
8 sions of this act, if it determines there are compelling
9 reasons to do so and that the waiver will not signifi-
10 cantly affect the health, comfort and environment of
11 nonsmokers.

12 35-22-107. Penalties. Any person who violates the
13 provisions of this act is guilty of a misdemeanor and sub-
14 ject to a fine of not more than ten dollars (\$10.00).

15 35-22-108. Injunction. The division, a county or
16 municipal office of public health or any affected party
17 may institute an action in any court with jurisdiction to
18 enjoin repeated violations of W.S. 35-22-105.

19 Section 2. The purpose of this act is to protect the
20 public health, comfort and environment by prohibiting
21 smoking in public places and at public meetings except in

1 designated smoking areas.

2 Section 3. This act is effective May 23, 1985.

3 (END)

Date: February 11, 1985

MR. CHAIRMAN:

I move that House Bill 0175A be amended as follows:

HB0175ASW

Page 5-line 19 Delete "of". -DIXON

Stored: HB0175ASW-1