

86 LSO - 0161

SENATE FILE 0016,

SF0015

Introduced by:

Withdrawn on Request of Sponsor

[illegible]

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To Com. No. _____				To Com No. _____					
_____	Stand Report	Do _____	Amd _____	Not _____	_____	Stand Report	Do _____	Amd _____	Not _____
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_____	3rd Reading	Amd _____	Pass _____	Fail _____	_____	3rd Reading	Amd _____	Pass _____	Fail _____

1986

STATE OF WYOMING

86LSO-0161.01

SENATE FILE NO. 0015

Smoking in public places.

Sponsored by: Senator(s) DUSL

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 -

SF 15

NO SIGNIFICANT FISCAL IMPACT

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; exceptions.

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 (iii) To establishments in which malt or alco-

1 holic beverages are sold for consumption on the premises
2 under a license or permit other than a restaurant license;

3 (iv) Fully enclosed offices or rooms occupied
4 exclusively by smokers, even though the offices or room
5 may be visited by nonsmokers;

6 (v) Retail businesses primarily engaged in the
7 sale of tobacco or tobacco products;

8 (vi) Restaurants with a seating capacity of
9 thirty (30) or fewer persons;

10 (vii) Smoking areas designated in accordance
11 with this act.

12 35-22-104. Designation of smoking areas; limitation.

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

16 (b) Where smoking areas are designated, existing
17 physical barriers and ventilation systems shall be used to
18 minimize any potential effect of smoke in adjacent
19 nonsmoking areas.

20 (c) No more than fifty percent (50%) of a public

1 place may be designated as a smoking area except that:

2 (i) Lobbies, hallways and other common areas
3 shall not be designated as smoking areas;

4 (ii) No public restroom shall be designated as
5 a smoking area.

6 35-22-105. Responsibilities of person in charge.

7 (a) The person in charge of a public place shall
8 make reasonable efforts to prevent smoking in the public
9 place by:

10 (i) Posting of appropriate signs;

11 (ii) Arranging seating to provide a smoke-free
12 area;

13 (iii) Asking smokers to refrain from smoking
14 upon request of any person suffering discomfort from the
15 smoke; or

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

17 35-22-106. Department of health and social services;
18 waiver of provisions of this act.

19 (a) The division may promulgate reasonable rules and

1 regulations to implement the provisions of W.S. 35-22-104
2 and 35-22-105.

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

8 35-22-107. Penalties. Any person who violates the
9 provisions of this act is guilty of a misdemeanor and sub-
10 ject to a fine of not more than ten dollars (\$10.00).

11 35-22-108. Injunction. The division, a county or
12 municipal office of public health or any affected party
13 may institute an action in any court with jurisdiction to
14 enjoin repeated violations of W.S. 35-22-105.

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

19 Section 3. This act is effective June 11, 1986.

20 (END)