

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. _____

Smoking in enclosed public places.

Sponsored by: Joint Labor, Health and Social Services
Interim Committee

A BILL

for

1 AN ACT relating to public health and safety; prohibiting
2 smoking in enclosed public places as specified; requiring
3 posting of public notices; providing definitions; providing
4 exceptions; granting rulemaking authority; providing
5 penalties; authorizing local regulation; and providing for
6 an effective date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 35-4-901 through 35-4-905 are created
11 to read:

12

13

ARTICLE 9

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SMOKING RESTRICTIONS

35-4-901. Definitions.

(a) For purposes of this article:

(i) "Alcoholic beverage establishment" means a facility holding a license or permit issued pursuant to article 2 or 3 of chapter 4 of title 12;

(ii) "Department" means the department of health;

(iii) "Enclosed public place" means an indoor area, room or vehicle that the general public is allowed to enter or that serves as a place of work, including but not limited to:

(A) Restaurants;

(B) Stores;

1 (C) Public and private office buildings and
2 offices, including all office buildings and offices of
3 political subdivisions and state government;

4

5 (D) Trains, buses and other forms of public
6 transportation;

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8 (E) Health care facilities;

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10 (F) Auditoriums, arenas and assembly
11 facilities;

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13 (G) Meeting rooms open to the public;

14

15 (H) Alcoholic beverage establishments;

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17 (J) Facilities of the University of
18 Wyoming, community colleges and private colleges;

19

20 (K) Public and private school facilities.

21

1 (iv) "Establishment" means an enterprise under
2 one (1) roof that serves the public and for which a single
3 person, agency, corporation or legal entity is responsible;

4

5 (v) "Place of work" means an enclosed room where
6 one (1) or more individuals work;

7

8 (vi) "Smoking" or "to smoke" includes the acts
9 of lighting, smoking or carrying a lighted cigar,
10 cigarette, pipe or any other product intended to provide
11 smoke for inhalation.

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13 **35-4-902. Smoking in enclosed public places**
14 **prohibited; notice; exceptions.**

15

16 (a) Except as otherwise provided in this section,
17 smoking in an enclosed public place is prohibited.

18

19 (b) The proprietor or manager of an establishment
20 containing enclosed public places shall post a sign in a
21 conspicuous place at all public entrances to the
22 establishment stating, in a manner that can be easily read

1 and understood, that smoking in the enclosed public place
2 is prohibited.

3

4 (c) The proprietor or manager of an intrastate bus
5 that is not chartered shall prohibit smoking in all parts
6 of the bus.

7

8 (d) The prohibition in subsection (a) of this section
9 does not apply to the following places, whether or not the
10 public is allowed access to those places:

11

12 (i) Until January 1, 2010, alcoholic beverage
13 establishments, provided that smoke from the establishment
14 does not infiltrate into other enclosed public places which
15 are not alcoholic beverage establishments;

16

17 (ii) A private residence, unless it is used for
18 either of the following purposes, in which case the
19 prohibition in subsection (a) of this section applies:

20

21 (A) A child caring facility, as defined in
22 W.S. 14-4-101(a);

23

1 (B) A health care facility, as defined in
2 W.S. 35-2-901(a).

3

4 (iii) A private motor vehicle;

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6 (iv) A hotel or motel room designated as a
7 smoking room and rented to a guest. However, not more than
8 thirty-five percent (35%) of the rooms available to rent to
9 guests in any one (1) hotel or motel may be designated as
10 smoking rooms;

11

12 (v) A site that is being used in connection with
13 the practice of cultural activities by American Indians
14 that is in accordance with the federal American Indian
15 Religious Freedom Act, 42 U.S.C. 1996, 1996a.

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17 **35-4-903. Rules and regulations.**

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19 The department shall enforce W.S. 35-4-901 through 35-4-903
20 and shall promulgate rules and regulations necessary to
21 carry out this article.

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23 **35-4-904. Smoking in public; penalties.**

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2 (a) A person who violates W.S. 35-4-902(a) is guilty
3 of a misdemeanor punishable by a fine of not less than
4 fifty dollars (\$50.00) nor more than one hundred dollars
5 (\$100.00).

6

7 (b) A person who owns, manages, operates or otherwise
8 controls a public place where smoking is prohibited by W.S.
9 35-4-902 and who fails to comply with the provisions of
10 this article is guilty of a misdemeanor and shall be
11 punished as follows:

12

13 (i) A fine of one hundred dollars (\$100.00) for
14 the first violation;

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16 (ii) A fine of two hundred dollars (\$200.00) for
17 a second or subsequent violation.

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19 **35-4-905. Local regulation.**

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21 The provisions of this article shall not prohibit adoption
22 of ordinances or regulations by counties or municipalities
23 that are more strict than the provisions of this article as

1 to places in which smoking is prohibited or as to the
2 penalty or remedy imposed for violation of an ordinance or
3 regulation prohibiting smoking in public places. Local
4 authorities shall have the express authority to enforce
5 local smoking prohibitions by action in their respective
6 local municipal courts.

7

8 **Section 2.** This act is effective July 1, 2009.

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10

(END)