

HOUSE BILL NO. HB0031

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; providing
3 definitions; providing exceptions; granting rulemaking
4 authority; providing penalties; authorizing additional
5 local regulation and authorizing local authorities to allow
6 smoking as specified; and providing for 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

14

SMOKING RESTRICTIONS

15

16 **35-4-901. Definitions.**

1

2 (a) For purposes of this article:

3

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

7

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

10

11 (iii) "Enclosed public place" means a place of
12 work or an indoor area, room or vehicle which members of
13 the public are allowed to enter, but does not include
14 alcoholic beverage establishments or restaurants which
15 exclude individuals under the age of twenty-one (21).
16 "Enclosed public place" includes, but is not limited to:

17

18 (A) Restaurants which do not exclude
19 individuals under the age of twenty-one (21);

20

21 (B) Stores;

22

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

4

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

7

8 (E) Health care facilities;

9

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

12

13 (G) Meeting rooms open to the public;

14

15 (H) Alcoholic beverage establishments which
16 do not exclude individuals under the age of twenty-one
17 (21);

18

19 (J) Facilities of the University of
20 Wyoming, community colleges and private colleges;

21

22 (K) Public and private school facilities.

23

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 but does not include a
7 private office;

8
9 (vi) "Smoke house" means a retail business that
10 derives greater than seventy-five percent (75%) of its
11 gross income from the sale of tobacco products;

12
13 (vii) "Private office" means an office to which
14 customers or clients are invited but which the general
15 public is not invited in the regular course of business;

16
17 (viii) "Smoking" or "to smoke" includes the acts
18 of lighting, smoking or carrying a lighted cigar,
19 cigarette, pipe or any other product intended to provide
20 smoke for inhalation.

21

22 **35-4-902. Smoking in enclosed public places**
23 **prohibited; exceptions.**

24

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

3

4 (b) 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 (c) 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 as a
18 place of work as defined by W.S. 35-4-901(a)(v) or is used
19 for either of the following purposes, in which case the
20 prohibition in subsection (a) of this section applies:

21

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

24

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

3

4 (iii) A private motor vehicle;

5

6 (iv) A hotel or motel room designated as a
7 smoking room and rented to a guest;

8

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

13

14 (vi) Smoke houses;

15

16 (vii) Private offices.

17

18 (d) The prohibitions of this section shall not apply
19 as provided in any city or town adopting an ordinance
20 specifically authorizing smoking in all or specified types
21 of public or private places within the jurisdiction of the
22 municipality. The prohibitions of this section shall not
23 apply as provided in any county adopting a resolution
24 specifically authorizing smoking in all or specified types

1 of public or private places within the county and outside
2 of any municipal boundaries within the county.

3

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

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6 The department shall promulgate rules and regulations
7 necessary to accomplish the purposes of this article.

8

9 **35-4-904. Smoking in public; penalties.**

10

11 (a) A person who violates W.S. 35-4-902(a) is guilty
12 of a misdemeanor punishable by a fine of not less than
13 fifty dollars (\$50.00) nor more than one hundred dollars
14 (\$100.00).

15

16 (b) A person who owns, manages, operates or otherwise
17 controls a public place where smoking is prohibited by W.S.
18 35-4-902 and who fails to comply with the provisions of
19 W.S. 35-4-902(b) is guilty of a misdemeanor and shall be
20 punished as follows:

21

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

24

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

3

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

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6 The provisions of this article shall not prohibit adoption
7 of ordinances or regulations by counties or municipalities
8 that are more strict than the provisions of this article as
9 to places in which smoking is prohibited or as to the
10 penalty or remedy imposed for violation of an ordinance or
11 regulation prohibiting smoking in public places. Counties
12 and municipalities are also authorized to adopt resolutions
13 and ordinances, as applicable, to allow smoking in all or
14 specified types of public or private places,
15 notwithstanding any other provision of this article. Any
16 such county resolution shall be applicable within the
17 county and outside of any municipal boundaries within the
18 county. Local authorities shall have the express authority
19 to enforce local smoking prohibitions by action in their
20 respective local municipal courts.

21

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

23

24

(END)