

## HOUSE BILL NO. HB0087

Smoke free-enclosed public places.

Sponsored by: Representative(s) Millin, Craft, Davison,  
Gingery, Harvey, Jaggi, Warren, Zwonitzer,  
Dn. and Zwonitzer, Dv. and Senator(s) Fecht,  
Hastert and Massie

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

14

SMOKING RESTRICTIONS

15

1           **35-4-901. Definitions.**

2

3           (a) For purposes of this article:

4

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

8

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

11

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

16

17                           (A) Restaurants;

18

19                           (B) Stores;

20

21                           (C) Public and private office buildings and  
22 offices, including all office buildings and offices of  
23 political subdivisions and state government;

24

1 (D) Trains, buses and other forms of public  
2 transportation;

3

4 (E) Health care facilities;

5

6 (F) Auditoriums, arenas and assembly  
7 facilities;

8

9 (G) Meeting rooms open to the public;

10

11 (H) Alcoholic beverage establishments;

12

13 (J) Facilities of the University of  
14 Wyoming, community colleges and private colleges;

15

16 (K) Public and private school facilities.

17

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

21

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

24

1           (vi) "Smoking" or "to smoke" includes the acts  
2 of lighting, smoking or carrying a lighted cigar,  
3 cigarette, pipe or any other product intended to provide  
4 smoke for inhalation.

5

6           **35-4-902. Smoking in enclosed public places**  
7 **prohibited; notice; exceptions.**

8

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

11

12           (b) The proprietor or manager of an establishment  
13 containing enclosed public places shall post a sign in a  
14 conspicuous place at all public entrances to the  
15 establishment stating, in a manner that can be easily read  
16 and understood, that smoking in the enclosed public place  
17 is prohibited.

18

19           (c) The proprietor or manager of an intrastate bus  
20 that is not chartered shall prohibit smoking in all parts  
21 of the bus.

22

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

4  
5           (i) Until January 1, 2009, alcoholic beverage  
6 establishments, provided that smoke from the establishment  
7 does not infiltrate into other enclosed public places which  
8 are not alcoholic beverage establishments;

9  
10           (ii) A private residence, unless it is used for  
11 either of the following purposes, in which case the  
12 prohibition in subsection (a) of this section applies:

13  
14           (A) A child caring facility, as defined in  
15 W.S. 14-4-101(a);

16  
17           (B) A health care facility, as defined in  
18 W.S. 35-2-901(a).

19  
20           (iii) A private motor vehicle;

21  
22           (iv) A hotel or motel room designated as a  
23 smoking room and rented to a guest. However, not more than  
24 thirty-five percent (35%) of the rooms available to rent to

1 guests in any one (1) hotel or motel may be designated as  
2 smoking rooms;

3

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

8

9 **35-4-903. Rules and regulations.**

10

11 The department shall enforce W.S. 35-4-901 through 35-4-903  
12 and shall promulgate rules and regulations necessary to  
13 carry out this article.

14

15 **35-4-904. Smoking in public; penalties.**

16

17 (a) A person who violates W.S. 35-4-902(a) is guilty  
18 of a misdemeanor punishable by a fine of not less than  
19 fifty dollars (\$50.00) or more than one hundred dollars  
20 (\$100.00).

21

22 (b) A person who owns, manages, operates or otherwise  
23 controls a public place where smoking is prohibited by W.S.  
24 35-4-902 and who fails to comply with the provisions of

1 this article is guilty of a misdemeanor and shall be  
2 punished as follows:

3

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

6

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

9

10 **35-4-905. Local regulation.**

11

12 The provisions of this article shall not prohibit adoption  
13 of ordinances or regulations by counties or municipalities  
14 that are more strict than the provisions of this article as  
15 to places in which smoking is prohibited or as to the  
16 penalty or remedy imposed for violation of an ordinance or  
17 regulation prohibiting smoking in public places. Local  
18 authorities shall have the express authority to enforce  
19 local smoking prohibitions by action in their respective  
20 local municipal courts.

21

22 **Section 2.** This act is effective July 1, 2008.

23

24 (END)