

# SENATE BILL No. 114

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-18-2-295; IC 16-41-37.

**Synopsis:** Clean indoor air act. Adds dining areas located at state educational institutions, licensed child care centers, licensed child care homes, registered child care ministries, licensed hospitals, and providers' offices as public buildings that are subject to the Clean Indoor Air Act. Provides that a person who smokes in an area designated as a nonsmoking area of a public building, grocery store, drug store, or restaurant commits a Class B infraction. (Current law provides that this violation is a Class C infraction.) Enhances the violation to a Class A infraction if the person has at least three previous unrelated violations within the 12 months immediately preceding the violation. Requires the official in charge of a public building to designate at least 75% of the building as a nonsmoking area. (Current law requires that the official must designate a nonsmoking area in the building.)

**Effective:** July 1, 1998.

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January 8, 1998, read first time and referred to Committee on Public Policy.

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Introduced

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

## SENATE BILL No. 114

A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 16-18-2-295, AS AMENDED BY P.L.188-1995,  
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 1998]: Sec. 295. (a) "Provider", for purposes of IC 16-25,  
4 means a hospice program certified under IC 16-25-1.  
5 (b) "Provider", for purposes of IC 16-39 except for IC 16-39-7 and  
6 for purposes of IC 16-41-1 through IC 16-41-9 **and IC 16-41-37**,  
7 means any of the following:  
8 (1) An individual (other than an individual who is an employee or  
9 a contractor of a hospital, a facility, or an agency described in  
10 subdivision (2) or (3)) who is licensed, registered, or certified as  
11 a health care professional, including the following:  
12 (A) A physician.  
13 (B) A psychotherapist.  
14 (C) A dentist.  
15 (D) A registered nurse.  
16 (E) A licensed practical nurse.  
17 (F) An optometrist.

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- 1 (G) A podiatrist.  
 2 (H) A chiropractor.  
 3 (I) A physical therapist.  
 4 (J) A psychologist.  
 5 (K) An audiologist.  
 6 (L) A speech-language pathologist.  
 7 (M) A dietitian.  
 8 (N) An occupational therapist.  
 9 (O) A respiratory therapist.  
 10 (P) A pharmacist.  
 11 (2) A hospital or facility licensed under IC 16-21-2 or IC 12-25 or  
 12 described in IC 12-24-1 or IC 12-29.  
 13 (3) A health facility licensed under IC 16-28-2.  
 14 (4) A home health agency licensed under IC 16-27-1.  
 15 (5) An employer of a certified emergency medical technician, a  
 16 certified advanced emergency medical technician, or a certified  
 17 paramedic.  
 18 (c) "Provider", for purposes of IC 16-39-7-1, has the meaning set  
 19 forth in IC 16-39-7-1(a).

20 SECTION 2. IC 16-41-37-2, AS AMENDED BY P.L.110-1997,  
 21 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 1998]: Sec. 2. As used in this chapter, "public building"  
 23 means an enclosed structure or the part of an enclosed structure that is  
 24 one (1) of the following:

- 25 (1) Occupied by an agency of state or local government.  
 26 (2) Used as a classroom building **or a dining area** at a state  
 27 educational institution (as defined in IC 20-12-0.5-1).  
 28 (3) Used as a public school (as defined in IC 20-10.1-1-2).  
 29 (4) Licensed as a health facility under IC 16-21 or IC 16-28.  
 30 (5) Used as a station for paid firefighters.  
 31 (6) Used as a station for paid police officers.  
 32 **(7) Licensed as a child care center or child care home or**  
 33 **registered as a child care ministry under IC 12-17.2.**  
 34 **(8) Licensed as a hospital under IC 16-21 or a county hospital**  
 35 **subject to IC 16-22.**  
 36 **(9) Used as a provider's office.**

37 SECTION 3. IC 16-41-37-4, AS AMENDED BY P.L.256-1996,  
 38 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JULY 1, 1998]: Sec. 4. A person who smokes:

- 40 (1) in a public building, except in an area designated as a smoking  
 41 area under section 5 of this chapter;  
 42 (2) in the retail area of a grocery store or drug store that is



1 designated as a nonsmoking area by the store's proprietor; or  
2 (3) in the dining area of a restaurant that is designated and posted  
3 as the restaurant's nonsmoking area by the restaurant's proprietor;  
4 commits a Class **E B** infraction. **However, the violation is a Class A**  
5 **infraction if the person has at least three (3) previous unrelated**  
6 **judgments for violating this section that are accrued within the**  
7 **twelve (12) months immediately preceding the violation.**

8 SECTION 4. IC 16-41-37-5 IS AMENDED TO READ AS  
9 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 5. (a) The official in  
10 charge of a public building shall designate a nonsmoking area and may  
11 designate a smoking area in the building. **The nonsmoking area must**  
12 **include at least seventy-five percent (75%) of the area of the**  
13 **building.**

14 (b) When smoking and nonsmoking areas are designated, the  
15 official in charge of a public building may take reasonably necessary  
16 measures to accommodate both smokers and nonsmokers.

17 (c) If a public building consists of a single room, any part or all of  
18 the room may be reserved and posted as a nonsmoking area.

