

SENATE BILL No. 209

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2-298; IC 16-41-37.

Synopsis: Smoking in public areas. Extends the scope of the clean indoor air law to include smoking restrictions in public areas.

Effective: July 1, 1998.

Miller

January 6, 1998, read first time and referred to Committee on Public Policy.



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. 209

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 16-18-2-298 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 298. "Public ~~building~~,"
3 **area**", for purposes of IC 16-41-37, has the meaning set forth in
4 IC 16-41-37-2.

5 SECTION 2. IC 16-41-37-2, AS AMENDED BY P.L.110-1997,
6 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 1998]: Sec. 2. As used in this chapter, "public ~~building~~ **area**"
8 means ~~an enclosed a~~ structure or the part of ~~an enclosed a~~ structure that
9 ~~is one (1) of~~ **contains areas available to the general public. The term**
10 **includes** the following:

- 11 (1) ~~Occupied by an agency of state or local government.~~
12 (2) ~~Used as a classroom building at a state educational institution~~
13 ~~(as defined in IC 20-12-0.5-1).~~
14 (3) ~~Used as a public school (as defined in IC 20-10.1-1-2).~~
15 (4) ~~Licensed as a health facility under IC 16-21 or IC 16-28.~~
16 (5) ~~Used as a station for paid firefighters.~~
17 (6) ~~Used as a station for paid police officers.~~

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- 1 (1) Offices of an agency of state or local government.
 2 (2) Educational facilities.
 3 (3) Stations used by paid firefighters.
 4 (4) Stations used by paid police officers.
 5 (5) Hospitals, nursing homes, and health facilities.
 6 (6) Public transportation and common carrier waiting rooms.
 7 (7) Arenas and stadiums, including sports and fitness
 8 facilities.
 9 (8) Retail areas, restaurants, or commercial establishments.
 10 (9) Restrooms, elevators, meetings rooms, and hallways.

11 **The term does not include a private residence.**

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

15 (+) in a public ~~building~~; **area**, except in an area designated as a
 16 smoking area under section 5 of this chapter,

17 (2) in the retail area of a ~~grocery store or drug store~~ that is
 18 designated as a nonsmoking area by the store's proprietor; or

19 (3) in the dining area of a restaurant that is designated and posted
 20 as the restaurant's nonsmoking area by the restaurant's proprietor;

21 commits a Class C infraction.

22 SECTION 4. IC 16-41-37-5 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 5. (a) **A public area is**
 24 **designated as a nonsmoking area. However** the official in charge of
 25 a public building shall designate a nonsmoking area and may designate
 26 **a separate enclosed room as a smoking area in the building.**

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

30 (c) (b) If a public ~~building~~ **area** consists of a single room, ~~any part~~
 31 ~~or~~ all of the room ~~may~~ **must** be reserved and posted as a nonsmoking
 32 area.

33 SECTION 5. IC 16-41-37-6, AS AMENDED BY P.L.256-1996,
 34 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 1998]: Sec. 6. (a) The official in charge of a public ~~building~~
 36 **area** shall do the following:

37 (1) Post conspicuous signs that read "Smoking Is Prohibited By
 38 State Law Except In Designated Smoking Areas" or other similar
 39 language.

40 (2) Request persons who are smoking in violation of section 4 of
 41 this chapter to refrain from smoking.

42 (3) Remove a person who is smoking in violation of section 4 of



1 this chapter and fails to refrain from smoking after being
2 requested to do so.

3 (b) **If a restaurant has a smoking area**, the proprietor of a
4 restaurant shall, under sections 4 and 5 of this chapter, post
5 conspicuous signs at each entrance to the restaurant, informing the
6 public of the establishment's smoking policy. **A restaurant may not**
7 **seat an individual who is less than eighteen (18) years of age in a**
8 **smoking area.**

9 SECTION 6. IC 16-41-37-7 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 7. The state department
11 may adopt rules under IC 4-22-2 to ~~restrict or prohibit smoking in~~
12 ~~public buildings where the close proximity of workers causes smoking~~
13 ~~to affect the health and comfort of nonsmoking employees.~~ **implement**
14 **this chapter.**

15 SECTION 7. IC 16-41-37-8 IS REPEALED [EFFECTIVE JULY 1,
16 1998].

