

HOUSE BILL 820

Introduced by Toole, et al.

2/13	Introduced
2/13	referred to Human Services & Aging
2/14	First Reading
2/18	Hearing
2/18	Tabled in Committee

1 HOUSE BILL NO. 820
 2 INTRODUCED BY T.P.
 3 Kadas Beale Larson & Brown

4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING LOCAL
 5 BOARDS OF HEALTH TO ADOPT REGULATIONS PROHIBITING OR
 6 RESTRICTING SMOKING IN ENCLOSED PUBLIC PLACES; DEFINING
 7 LOCAL BOARD OF HEALTH; PROVIDING A PENALTY FOR FAILURE OF A
 8 PROPRIETOR OR MANAGER OF AN ENCLOSED PUBLIC PLACE TO COMPLY
 9 WITH THE REGULATIONS; AND AMENDING SECTIONS 50-40-103,
 10 50-40-104, 50-40-108, AND 50-40-109, MCA."

11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 **Section 1.** Section 50-40-103, MCA, is amended to read:

14 "50-40-103. Definitions. As used in this part, the
 15 following definitions apply:

- 16 (1) "Department" means the department of health and
 17 environmental sciences provided for in Title 2, chapter 15,
 18 part 21.
- 19 (2) "Enclosed public place" means any indoor area,
 20 room, or vehicle used by the general public or serving as a
 21 place of work, including but not limited to restaurants,
 22 stores, offices, trains, buses, educational or health care
 23 facilities, auditoriums, arenas, and assembly and meeting
 24 rooms open to the public.
- 25 (3) "Establishment" means an enterprise under one roof

1 that serves the public and for which a single person,
 2 agency, corporation, or legal entity is responsible.

3 (4) "Local board of health" or "local board" means a
 4 local board as defined in 50-2-101.

5 (5) "Person" means an individual, partnership,
 6 corporation, association, political subdivision, or other
 7 entity.

8 (6) "Smoking" or "to smoke" includes the act of
 9 lighting, smoking, or carrying a lighted cigar, cigarette,
 10 pipe, or any smokable product.

11 (7) "Smoking area" means a designated area in which
 12 smoking is permitted.

13 (8) "Place of work" means an enclosed room where
 14 more than one employee works."

15 **Section 2.** Section 50-40-104, MCA, is amended to read:

16 "50-40-104. Designation or reservation of smoking or
 17 nonsmoking areas -- notice. (1) The Unless inconsistent with
 18 regulations adopted by the local board of health, the
 19 proprietor or manager of an enclosed public place shall:

- 20 (a) designate nonsmoking areas with easily readable
 21 signs;
- 22 (b) reserve a part of the public place for nonsmokers
 23 and post easily readable signs designating a smoking area;
- 24 (c) designate the entire area as a smoking area by
 25 posting a sign that is clearly visible to the public stating



1 this designation; or

2 (d) designate and reserve the entire area as a
3 nonsmoking area.

4 (2) The proprietor or manager of an establishment
5 containing enclosed public places shall post a sign in a
6 conspicuous place at all public entrances to the
7 establishment stating, in a manner that can be easily read
8 and understood, whether or not areas within the
9 establishment have been reserved for nonsmokers.

10 (3) The proprietor or manager of an establishment
11 containing both a restaurant and a tavern, in which some
12 patrons choose to eat their meals in the tavern, is not
13 required by this part to post a sign described in subsection
14 (2) in the tavern area of the establishment."

15 **Section 3.** Section 50-40-108, MCA, is amended to read:

16 "**50-40-108. Enforcement -- local board allowed to adopt**
17 **regulations.** (1) The provisions of this part shall be
18 supervised and enforced by the local boards of health under
19 the direction of the department.

20 (2) The local board of health may adopt regulations
21 prohibiting or restricting smoking in enclosed public
22 places."

23 **Section 4.** Section 50-40-109, MCA, is amended to read:

24 "**50-40-109. Penalties.** A person who fails to designate
25 or reserve a smoking or nonsmoking area in his establishment

1 as provided for in 50-40-104 or in accordance with
2 regulations adopted by the local board of health is guilty
3 of a misdemeanor and is subject to a fine of not more than
4 \$25."

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