6

7

8

. 9 10

11

12 13

14

15

16

17

13

19

20 21

22

23

1 PAUSE BILE NO. 35/
2 INTRODUCED BY Holmes Farmer Traves
3 Walliam Sympton
4 A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO SMOKING IN Later
5 ENCLOSED PUBLIC PLACES AND PROVIDING PENALTIES."

JOY

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

Section 1. Definitions. As used in this act, unless the context clearly requires otherwise:

- (1) "Enclosed public place" means the dining room in hotels, restaurants, cafes and cafeterias, theaters, arenas, streetcars, buses, interurban and railway passenger coaches, motor and other passenger vehicles used by common carriers, railway station waiting rooms, state, county, and city buildings, waiting room of a health care institution, or public waiting room of any physician, dentist, psychologist, physiotherapist, chiropractor, optometrist, or optician.
- Section 2. Restrictions on smoking. Smoking tobacco in any form shall be confined to designated, well-ventilated areas within any enclosed public place.
- Section 3. Posting of signs -- penalty. (1) The manager of the enclosed public place shall post signs designating smoking and nonsmoking areas.
- 24 (2) Any manager of an enclosed public place convicted 25 of not enforcing or complying with the provisions of this

- act shall be fined not to exceed ten dollars (\$10) for each
- 2 offense.

-End-

HB 351

Approved by Committee on Public Health, Welfare & Safety

1	HOUSE BILL NO. 351
2	INTRODUCED BY HOLMES, PALMER, TRAVIS, WILLIAMS, DUSSAULT,
3	HALVORSON, VINCENT, RASMUSSEN, GERKE, JOHNSON, LESTER, LORY
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO SMOKING IN
6	ENCLOSED PUBLIC PLACES AND PROVIDING PENALTIES."
7	
8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
9	SECTION 1. LEGISLATIVE INTENT. THE INTENT OF THIS ACT
.0	IS TO PROTECT THE HEALTH AND ATMOSPHERIC ENVIRONMENT OF
ì	NONSMOKERS AND TO ENCOURAGE OBSERVATION OF THE RIGHTS OF
2	NONSMOKERS INSOFAR AS IS PRACTICABLE IN ENCLOSED PUBLIC
.3	ROOMS IN MONTANA.
.4	Section $\underline{2}$. Definitions. As used in this act, unless
.5	the context clearly requires otherwise:
.6	(1) "Enclosed public place" means the-dining-room-in
.7 ·	hotels;-restaurants;-cafes-and-cafeterias;-theaters;-arenas;
.8	streetcars;-buses;-interurban-and-railway-passenger-coaches;
.9	motor-and-other-passenger-vehicles-waed-by-commonearriers,
0	railwaystationwaitingrooms,state,county,and-city
1	buildingsy-waiting-room-of-ahealtheareinstitutionyor
2	public-waiting-room-of-any-physiciany-dentisty-psychologisty
23	physiotherapist,-chiropractor,-optometrist,-or-optician ANY
4	ROOM OTHER THAN A TAVERN WHICH IS DESIGNED TO SERVE TEN (10)
5	OR MORE PERSONS OTHER THAN THE RESIDENT AND HIS IMMEDIATE

1	FAMILY, INCLUDING: A HOTEL OR MOTEL DINING ROOM;
2	RESTAURANT; CAFE; CAFETERIA; THEATER; ARENA; GYMNASIUM;
3	STREETCAR; BUS; RAILWAY PASSENGER CAR; BUS STATION, RAILWAY
4	STATION, OR AIRPORT WAITING ROOM; MEETING ROOM IN A STATE,
5	COUNTY, OR CITY BUILDING; WAITING ROOM, LOBBY, OR HALLWAY OF
6	A HEALTH CARE INSTITUTION; AND PUBLIC WAITING ROOM OF ANY
7	PHYSICIAN, DENTIST, PSYCHOLOGIST, PSYCHIATRIST,
8	PHYSIOTHERAPIST, PODIATRIST, CHIROPRACTOR, OPTOMETRIST, OR
9	OPTICIAN.
10	Section-2Restrictions-on-smokingSmokingtobacco
11	in-any-form-shall-be-confined-to-designatedy-well-ventilated
12	areas-within-any-enclosed-public-place:
13	Section 3. Posting of signspenalty. (1) The
14	manager of the enclosed public place shall post signs
15	designating WHICH CAN READILY BE SEEN BY CUSTOMERS OR
16	VISITORS AND WHICH DESIGNATE smoking and nonsmoking areas.
17	SEATS, SIGNS, EXHAUST FANS AND WINDOWS MAY BE ARRANGED IN
18	ANY MANNER WHICH WILL CARRY OUT THE INTENT OF THIS ACT.
19	SECTION 4. ENFORCEMENT AND PENALTY. (1) THE
20	DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES MAY
21	CIRCULATE SUGGESTED GUIDELINES FOR ROOM ARRANGEMENT TO

MAXIMUM CONFORT FOR NONSMOKERS AT THE LEAST

(2) COUNTY SANITARIANS MAY INSPECT ENCLOSED PUBLIC

INCONVENIENCE TO THOSE RESPONSIBLE FOR ROOM ARRANGEMENT.

-2-

PLACES TO ASCERTAIN COMPLIANCE WITH THIS ACT.

22

23

24 25 PROMOTE

(2)-- (3) Any manager of an enclosed public place 1 convicted of not enforcing or complying with the provisions 2 3

of this act shall be fined not to exceed ten dollars (\$10)

for each DAY OF offense.

-End-

1	HOUSE BILL NO. 351
2	INTRODUCED BY HOLMES, PALMER, TRAVIS, WILLIAMS, DUSSAULT,
3	HALVORSON, VINCENT, RASMUSSEN, GERKE, JOHNSON, LESTER, LORY
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO SMOKING IN
6	ENCLOSED PUBLIC PLACES AND PROVIDING PENALTIES."
7	. •
8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
9	SECTION 1. LEGISLATIVE INTENT. THE INTENT OF THIS ACT
0	IS TO PROTECT THE HEALTH AND ATMOSPHERIC ENVIRONMENT OF
ì	MONSMOKERS AND TO ENCOURAGE OBSERVATION OF THE RIGHTS OF
2	NONSMOKERS INSOFAR AS IS PRACTICABLE IN ENCLOSED PUBLIC
3	ROOMS IN MONTANA.
4	Section 2. Definitions. As used in this act, unless
5	the context clearly requires otherwise:
6	(1) "Enclosed public place" means the-dining-room-in
7	hotels;-restaurants;-cafes-and-cafeterias;-theaters;-arenas;
8	streetears;-buses;-interurban-and-railway-passenger-coaches;
9	motor-and-other-passenger-vehicles-used-by-commonearriers;
0	railwaystationwaitingrooms;state;county;and-city
1	buildings,-waiting-room-of-ahealtheareinstitution,or
2	public-waiting-room-of-any-physiciany-dentisty-psychologisty
3	physiotherapisty-chiropractory-optometristy-or-opticiant ANY
4	ROOM OTHER THAN A TAVERN WHICH IS DESIGNED TO SERVE TEN (10)
5	OR MORE PERSONS OTHER THAN THE RESIDENT AND HIS IMMEDIATE

RESTAURANT; CAFE; CAFETERIA; THEATER; ARENA; GYMNASIU STREETCAR; BUS; RAILWAY PASSENGER CAR; BUS STATION, RAILWAY STATION, OR AIRPORT WAITING ROOM; MEETING ROOM IN A STAT COUNTY, OR CITY BUILDING; WAITING ROOM, LOBBY, OR HALLWAY A HEALTH CARE INSTITUTION; AND PUBLIC WAITING ROOM OF A PHYSICIAN, DENTIST, PSYCHOLOGIST, PSYCHIATRIS PHYSIOTHERAPIST, PODIATRIST, CHIROPRACTOR, OPTOMETRIST, OPTICIAN. Section 2: Restrictions on smoking: Smoking to the enclosed public place shall post sign section 3. Posting of signsperaity. (1) T manager of the enclosed public place shall post sign designating WHICH CAN READILY BE SEEN BY CUSTOMERS of the SEATS, SIGNS, EXHAUST FANS AND WINDOWS MAY BE ARRANGED ANY MANNER WHICH WILL CARRY OUT THE INTENT OF THIS ACT. SECTION 4. ENFORCEMENT AND PENALTY. (1) T DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES M		
STREETCAR; BUS; RAILWAY PASSENGER CAR; BUS STATION, RAILWAY STATION, OR AIRPORT WAITING ROOM; MEETING ROOM IN A STAT. COUNTY, OR CITY BUILDING; WAITING ROOM, LOBBY, OR HALLWAY A HEALTH CARE INSTITUTION; AND PUBLIC WAITING ROOM OF AI PHYSICIAN, DENTIST, PSYCHOLOGIST, PSYCHIATRIS PHYSIOTHERAPIST, PODIATRIST, CHIROPRACTOR, OPTOMETRIST, OPTICIAN. Section 2. Restrictions on smoking. Smoking to be in-any-form-shall-be-confined-to-designated, well-ventilat areas-within-any-enclosed-public place: Section 3. Posting of signspenalty. (1) T manager of the enclosed public place shall post sign designating WHICH CAN READILY BE SEEN BY CUSTOMERS of VISITORS AND WHICH DESIGNATE smoking and nonsmoking area SEATS, SIGNS, EXHAUST FANS AND WINDOWS MAY BE ARRANGED ANY MANNER WHICH WILL CARRY OUT THE INTENT OF THIS ACT. SECTION 4. ENFORCEMENT AND PENALTY. (1) T DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES M	1	FAMILY, INCLUDING: A HOTEL OR MOTEL DINING ROOM;
STATION, OR AIRPORT WAITING ROOM; MEETING ROOM IN A STATE COUNTY, OR CITY BUILDING; WAITING ROOM, LOBBY, OR HALLWAY OF A HEALTH CARE INSTITUTION; AND PUBLIC WAITING ROOM OF AN PHYSICIAN, DENTIST, PSYCHOLOGIST, PSYCHIATRIST, PHYSIOTHERAPIST, PODIATRIST, CHIROPRACTOR, OPTOMETRIST, OPTICIAN. Bection 2:Restrictions-on-smoking:Smokingtobace in-any-form-shall-be-confined-to-designated;-well-ventilated areas-within-any-enclosed-public-place: Section 3. Posting of signspenalty. (1) The manager of the enclosed public place shall post signs designating which can readily be seen by Customers of Visitors and Which designate smoking and nonsmoking area seats, Signs, Exhaust fans and Windows May be arranged ANY MANNER WHICH WILL CARRY OUT THE INTENT OF THIS ACT. SECTION 4. ENFORCEMENT AND PENALTY. (1) The DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES METALED TO THE SECTION AS AND PENALTY. (1) The DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES METALED TO THE SECTION AS ENFORCEMENT AND PENALTY. (1) The DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES METALED TO THE SECTION AS ENFORCEMENT AND PENALTY. (1) The DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES METALED TO THE SECTION AS ENFORCEMENT AND PENALTY. (1) The DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES METALED TO THE SECTION AS ENFORCEMENT AND ENVIRONMENTAL SCIENCES METALED TO THE SECTION AS ENFORCEMENT AND ENVIRONMENTAL SCIENCES METALED TO THE SECTION AS ENFORCEMENT AND ENVIRONMENTAL SCIENCES METALED TO THE SECTION AS ENFORCEMENT AND ENVIRONMENTAL SCIENCES METALED TO THE SECTION AS ENVIRONMENTAL SCIENCES METALED TO TH	2	RESTAURANT; CAFE; CAFETERIA; THEATER; ARENA; GYMNASIUM;
COUNTY, OR CITY BUILDING; WAITING ROOM, LOBBY, OR HALLWAY A HEALTH CARE INSTITUTION; AND PUBLIC WAITING ROOM OF AL PHYSICIAN, DENTIST, PSYCHOLOGIST, PSYCHIATRIS PHYSIOTHERAPIST, PODIATRIST, CHIROPRACTOR, OPTOMETRIST, OPTICIAN. Bection-2:Restrictions-on-smoking:Smoking-tobace in-any-form-shall-be-confined-to-designated,-well-ventilate areas-within-any-enclosed-public-place: Section 3. Posting of signspenalty. (1) T manager of the enclosed public place shall post signs designating which can readily be seen by CUSTOMERS of the visitors and which designate smoking and nonsmoking area VISITORS AND WHICH DESIGNATE smoking and nonsmoking area SEATS, SIGNS, EXHAUST FANS AND WINDOWS MAY BE ARRANGED ANY MANNER WHICH WILL CARRY OUT THE INTENT OF THIS ACT. SECTION 4. ENFORCEMENT AND PENALTY. (1) T DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES M	3 .	STREETCAR; BUS; RAILWAY PASSENGER CAR; BUS STATION, RAILWAY
A HEALTH CARE INSTITUTION; AND PUBLIC WAITING ROOM OF A PHYSICIAN, DENTIST, PSYCHOLOGIST, PSYCHIATRIS PHYSIOTHERAPIST, PODIATRIST, CHIROPRACTOR, OPTOMETRIST, OPTICIAN. Section 2. Restrictions on smoking. Smoking to be in-any-form shall-be-confined to designated, well-ventilat areas within-any-enclosed public place; Section 3. Posting of signspenalty. (1) T manager of the enclosed public place shall post sign designating which can readily be seen by CUSTOMERS of VISITORS AND WHICH DESIGNATE smoking and nonsmoking area VISITORS AND WHICH DESIGNATE smoking and nonsmoking area SEATS, SIGNS, EXHAUST FANS AND WINDOWS MAY BE ARRANGED ANY MANNER WHICH WILL CARRY OUT THE INTENT OF THIS ACT. SECTION 4. ENFORCEMENT AND PENALTY. (1) T DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES M	4	STATION, OR AIRPORT WAITING ROOM; MEETING ROOM IN A STATE,
PHYSICIAN, DENTIST, PSYCHOLOGIST, PSYCHIATRIS PHYSIOTHERAPIST, PODIATRIST, CHIROPRACTOR, OPTOMETRIST, OPTICIAN. Section-2:-Restrictions-on-smoking:Smoking-tobac in-any-form-shall-be-confined-to-designated, well-ventilat areas-within-any-enclosed-public-placer Section 3. Posting of signspenalty. (1) T manager of the enclosed public place shall post sign designating WHICH CAN READILY BE SEEN BY CUSTOMERS of VISITORS AND WHICH DESIGNATE smoking and nonsmoking area SEATS, SIGNS, EXHAUST FANS AND WINDOWS MAY BE ARRANGED ANY MANNER WHICH WILL CARRY OUT THE INTENT OF THIS ACT. SECTION 4. ENFORCEMENT AND PENALTY. (1) T DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES M	5	COUNTY, OR CITY BUILDING; WAITING ROOM, LOBBY, OR HALLWAY OF
PHYSIOTHERAPIST, PODIATRIST, CHIROPRACTOR, OPTOMETRIST, OPTICIAN. Section-2:Restrictions-on-smoking:Smokingtobac in-any-form-shall-be-confined-to-designated; well-ventilat areas-within-any-enclosed-public-placer Section 3. Posting of signspenalty. (1) T manager of the enclosed public place shall post sign designating which can readily be seen by Customers of VISITORS AND WHICH DESIGNATE smoking and nonsmoking area SEATS, SIGNS, EXHAUST FANS AND WINDOWS MAY BE ARRANGED ANY MANNER WHICH WILL CARRY OUT THE INTENT OF THIS ACT. SECTION 4. ENFORCEMENT AND PENALTY. (1) T DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES M	6	A HEALTH CARE INSTITUTION; AND PUBLIC WAITING ROOM OF ANY
9 OPTICIAN. 10 Section-2:Restrictions-on-smoking:Smokingtobac 11 in-any-form-shall-be-confined-to-designated;-well-ventilat 12 areas-within-any-enclosed-public-placer 13 Section 3. Posting of signspenalty. (1) T 14 manager of the enclosed public place shall post sign 15 designating which can readily be seen by customers of the visitors and which designate smoking and nonsmoking area 16 VISITORS AND WHICH DESIGNATE smoking and nonsmoking area 17 SEATS, SIGNS, EXHAUST FANS AND WINDOWS MAY BE ARRANGED 18 ANY MANNER WHICH WILL CARRY OUT THE INTENT OF THIS ACT. 19 SECTION 4. ENFORCEMENT AND PENALTY. (1) T 20 DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES M	7	PHYSICIAN, DENTIST, PSYCHOLOGIST, PSYCHIATRIST,
Section-2:Restrictions-on-smoking:Smokingtobac in-any-form-shall-be-confined-to-designated;-well-ventilat areas-within-any-enclosed-public-place: Section 3. Posting of signspenalty. (1) T manager of the enclosed public place shall post sign designating which can readily be seen by Customers of Visitors and which designate smoking and nonsmoking area SEATS, SIGNS, EXHAUST FANS AND WINDOWS MAY BE ARRANGED ANY MANNER WHICH WILL CARRY OUT THE INTENT OF THIS ACT. SECTION 4. ENFORCEMENT AND PENALTY. (1) T DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES M	8	PHYSIOTHERAPIST, PODIATRIST, CHIROPRACTOR, OPTOMETRIST, OR
in-any-form-shall-be-confined-to-designated, well-ventilated areas-within-any-enclosed-public-placer Section 3. Posting of signspenalty. (1) The manager of the enclosed public place shall post signs designating which can readily be seen by customers of the visitors and which designate smoking and nonsmoking area seats, signs, exhaust fans and windows hay be arranged any manner which will carry out the intent of this act. Section 4. Enforcement and penalty. (1) The department of health and environmental sciences managed department dep	9	OPTICIAN.
areas-within-any-enclosed-public-placer Section 3. Posting of signspenalty. (1) T manager of the enclosed public place shall post sign designating which can readily be seen by customers of VISITORS AND WHICH DESIGNATE smoking and nonsmoking area SEATS, SIGNS, EXHAUST FANS AND WINDOWS MAY BE ARRANGED ANY MANNER WHICH WILL CARRY OUT THE INTENT OF THIS ACT. SECTION 4. ENFORCEMENT AND PENALTY. (1) T DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES M	10	Section-2:Restrictions-on-smoking Smokingtobacco
Section 3. Posting of signspenaity. (1) The manager of the enclosed public place shall post signs designating which can readily be seen by Customers of Visitors and which designate smoking and nonsmoking area seats, signs, exhaust fans and windows hay be arranged any manner which will carry out the intent of this act. Section 4. Enforcement and Penalty. (1) The department of Health and Environmental Sciences Manager of the section o	11	in-any-form-shall-be-confined-to-designated,-well-ventilated
manager of the enclosed public place shall post sign designating which can readily be seen by customers of VISITORS AND WHICH DESIGNATE smoking and nonsmoking area SEATS, SIGNS, EXHAUST FANS AND WINDOWS MAY BE ARRANGED ANY MANNER WHICH WILL CARRY OUT THE INTENT OF THIS ACT. SECTION 4. ENFORCEMENT AND PENALTY. (1) TO DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES MARKET STATES.	12	areas-within-any-enclosed-public-placer
designating which can readily be seen by Customers of Visitors and which designate smoking and nonsmoking area SEATS, SIGNS, EXHAUST FANS AND WINDOWS MAY BE ARRANGED ANY MANNER WHICH WILL CARRY OUT THE INTENT OF THIS ACT. SECTION 4. ENFORCEMENT AND PENALTY. (1) TO DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES MAY	13	Section 3 . Posting of signspenalty. (1) The
VISITORS AND WHICH DESIGNATE smoking and nonsmoking area SEATS, SIGNS, EXHAUST FANS AND WINDOWS MAY BE ARRANGED ANY MANNER WHICH WILL CARRY OUT THE INTENT OF THIS ACT. SECTION 4. ENFORCEMENT AND PENALTY. (1) TO DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES MADERICAL SCIENCES	14	manager of the enclosed public place shall post signs
SEATS, SIGNS, EXHAUST FANS AND WINDOWS MAY BE ARRANGED 18 ANY MANNER WHICH WILL CARRY OUT THE INTENT OF THIS ACT. 19 SECTION 4. ENFORCEMENT AND PENALTY. (1) TO DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES MADERICAL SC	15	designating WHICH CAN READILY BE SEEN BY CUSTOMERS OR
18 ANY MANNER WHICH WILL CARRY OUT THE INTENT OF THIS ACT. 19 SECTION 4. ENFORCEMENT AND PENALTY. (1) TO DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES MADERICAL S	16	VISITORS AND WHICH DESIGNATE smoking and nonsmoking areas.
19 SECTION 4. ENFORCEMENT AND PENALTY. (1) TO DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES MADERICAL SCIE	17	SEATS, SIGNS, EXHAUST FANS AND WINDOWS MAY BE ARRANGED IN
20 DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES M	18	ANY MANNER WHICH WILL CARRY OUT THE INTENT OF THIS ACT.
	19	SECTION 4. ENFORCEMENT AND PENALTY. (1) THE
23 CIRCULATE SUGGESTED CUIDPLINES FOR BOOM ADDANGEMENT 1	20	
21 CINCOLLE BUGGESTED GOIDENINES FOR MOON KKANGERENI	21	CIRCULATE SUGGESTED GUIDELINES FOR ROOM ARRANGEMENT TO

INCONVENIENCE TO THOSE RESPONSIBLE FOR ROOM ARRANGEMENT.

PLACES TO ASCERTAIN COMPLIANCE WITH THIS ACT.

MAXIMUM COMFORT FOR NONSMOKERS AT THE LEAST

(2) COUNTY SANITARIANS MAY INSPECT ENCLOSED PUBLIC

22

23 24

25

1 (2)-- (3) Any manager of an enclosed public place
2 convicted of not enforcing or complying with the provisions
3 of this act shall be fined not to exceed ten dollars (\$10)
4 for each DAY OF offense.

-End-

SENATE COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY AMENDMENTS TO HOUSE BILL NO. 351

That House Bill No, 351, third reading, be amended as follows:

1. Amend page 2, section 3, line 16.
 Following: "designate"
 Strike: "smoking and"

Amend page 2, section 3, line 24. Following: "COUNTY" 2.

Strike: "SANITARIANS"

Insert: "Health Officers or Departments"

-

SENATE COMMITTEE OF THE WHOLE

AMENDMENTS TO HOUSE BILL NO. 351

That House Bill No. 351, third reading, be amended as follows:

1. Amend page 2, section 2, line 9.

Following: line 9

Insert: "(2) "Tavern" means a place whose primary function is the sale of alcoholic beverages for consumption on the premises.

on the premises.

(3) "Restaurant" means a place whose primary function is the sale of food for consumption on the premises."

2.45

2. Amend page 3, section 4, line 3.

Following: "act"

Insert: "by posting in a clearly visible place the sign required by this act"

44th Legislature HB 0351/03

2	INTRODUCED BY MOLMES, PALMER, TRAVIS, WILLIAMS, DUSSAULT,
3	AMLVORSON, VINCENT, RASMUSSEN, GERKE, JOHNSON, LESTER, LORY
4	
دَ	A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO SMOKING IN
ú	ENCLOSED PUBLIC PLACES AND PROVIDING PENALTIES."
7	
ε	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
9	SECTION 1. LEGISLATIVE INTENT. THE INTENT OF THIS ACT
10	IS TO PROTECT THE HEALTH AND ATMOSPHERIC ENVIRONMENT OF
11	JONSMOKERS AND TO ENCOURAGE OBSERVATION OF THE RIGHTS OF
12	HONSMOKERS INSOFAR AS IS PRACTICABLE IN ENCLOSED PUBLIC
13	ROOMS IN MONTANA.
14	Section $\underline{2}$. Definitions. As used in this act, unless
15	the context clearly requires otherwise:
16	(1) "Enclosed public place" means the-dining-room-in
17	hotels;-restaurants;-cafes-and-cafeterias;-theaters;-arenas;
18	streetears,-buses,-interurban-and-railway-passenger-coacnes,
19	motor-and-other-passenger-vehicles-used-by-commoncarriers,
20	railwaystationwaitingrooms;state;county;and-city
21	buildingsy-waiting-room-of-ahealthcareinstitutionyor
22	public-waiting-room-of-any-physiciany-dentisty-psychologisty
23	physiotherapisty-chiropractory-optometristy-or-opticiant ANY
24	ROOM OTHER THAN A TAVERS WHICH IS DESIGNED TO SERVE TEN (10)
25	OR MORE PERSONS OTHER THAN THE RESIDENT AND HIS IMMEDIATE

HOUSE BILL 10. 351

1

1	FAMILY, INCLUDING: A HOTEL OR MOTEL DINING ROOM;
2	RESTAURANT; CAFE; CAFETERIA; THEATER; ARENA; GYMNASIUM;
3	STREETCAR; BUS; RAILWAY PASSENGER CAR; BUS STATION, RAILWAY
4	STATION, OR AIRPORT WAITING ROOM; MEETING ROOM IN A STATE,
5	COUNTY, OR CITY BUILDING; WAITING ROOM, LOBBY, OR HALLWAY OF
6	A HEALTH CARE INSTITUTION; AND PUBLIC MAITING ROOM OF ANY
7	PHYSICIAN, DENTIST, PSYCHOLOGIST, PSYCHIATRIST,
8	PHYSIOTHERAPIST, PODIATRIST, CHIROPRACTOR, OPTOMETRIST, OR
9	OPTICIAN.
10	(2) "TAVERN" MEANS A PLACE MHOSE PRIMARY FUNCTION IS
11	THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE
12	PREMISES.
13	(3) "RESTAURANT" MEANS A PLACE WHOSE PRIMARY FUNCTION
14	IS THE SALE OF FOOD FOR CONSUMPTION ON THE PREMISES.
15	Section-2:Restrictions-on-smokingSmokingtobacco
16	in-any-form-shall-be-confined-to-designated;-well-ventilated
17	areas-within-any-enclosed-public-place.
18	Section 3 . Posting of signspenalty. (1) The
19	manager of the enclosed public place shall post signs
20	designating WHICH CAN READILY BE SEEN BY CUSTOMERS OR
21	VISITORS AND WHICH DESIGNATE smoking-and nonsmoking areas.
22	SEATS, SIGNS, EXHAUST FANS AND MINDOWS MAY BE ARRANGED IN
23	ANY MANNER WHICH JILL CARRY OUT THE INTENT OF THIS ACT.
24	SECTION 4. ENFORCEMENT AND PEHALTY. (1) THE
25	DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES MAY

-2-

HB 351

1	CIRCULATE SUGGESTED GUIDELINES FOR ROOM ARRANGEMENT TO
2	PROMOTE MAXIMUM COMPORT FOR NONSMOKERS AT THE LEAST
3	INCONVENIENCE TO THOSE RESPONSIBLE FOR ROOM ARRANGEMENT.
4	(2) COUNTY SANITARIANS HEALTH OFFICERS OR DEPARTMENTS
5	MAY INSPECT ENCLOSED PUBLIC PLACES TO ASCERTAIN COMPLIANCE
6	WITH THIS ACT.
7	(2) (3) Any manager of an enclosed public place
8	convicted of not enforcing or complying with the provisions
9	of this act BY POSTING IN A CLEARLY VISIBLE PLACE THE SIGN

-End-

dollars (\$10) for each DAY OF offense.

REQUIRED BY THIS ACT shall be fined not to exceed ten

10

11

-3- iii 351