

1 *House* BILL NO. *351*
 2 INTRODUCED BY *Holmes Palmer Travis*
 3 *William August Johnson* *Salverson* **VINCENT** *Rasmussen*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO SMOKING IN *Restaurants*
 5 ENCLOSED PUBLIC PLACES AND PROVIDING PENALTIES."
 6 *Log*

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

-End-

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 8 Section 1. Definitions. As used in this act, unless
 9 the context clearly requires otherwise:
 10 (1) "Enclosed public place" means the dining room in
 11 hotels, restaurants, cafes and cafeterias, theaters, arenas,
 12 streetcars, buses, interurban and railway passenger coaches,
 13 motor and other passenger vehicles used by common carriers,
 14 railway station waiting rooms, state, county, and city
 15 buildings, waiting room of a health care institution, or
 16 public waiting room of any physician, dentist, psychologist,
 17 physiotherapist, chiropractor, optometrist, or optician.
 18 Section 2. Restrictions on smoking. Smoking tobacco in
 19 any form shall be confined to designated, well-ventilated
 20 areas within any enclosed public place.
 21 Section 3. Posting of signs -- penalty. (1) The
 22 manager of the enclosed public place shall post signs
 23 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

HB 351

Approved by Committee
on Public Health, Welfare
& Safety

HOUSE BILL NO. 351

INTRODUCED BY HOLMES, PALMER, TRAVIS, WILLIAMS, DUSSAULT,
HALVORSON, VINCENT, RASMUSSEN, GERKE, JOHNSON, LESTER, LORY

A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO SMOKING IN
ENCLOSED PUBLIC PLACES AND PROVIDING PENALTIES."

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

SECTION 1. LEGISLATIVE INTENT. THE INTENT OF THIS ACT
IS TO PROTECT THE HEALTH AND ATMOSPHERIC ENVIRONMENT OF
NONSMOKERS AND TO ENCOURAGE OBSERVATION OF THE RIGHTS OF
NONSMOKERS INsofar AS IS PRACTICABLE IN ENCLOSED PUBLIC
ROOMS IN MONTANA.

Section 2. 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.~~ ANY
ROOM OTHER THAN A TAVERN WHICH IS DESIGNED TO SERVE TEN (10)
OR MORE PERSONS OTHER THAN THE RESIDENT AND HIS IMMEDIATE

FAMILY, INCLUDING: A HOTEL OR MOTEL DINING ROOM;
RESTAURANT; CAFE; CAFETERIA; THEATER; ARENA; GYMNASIUM;
STREETCAR; BUS; RAILWAY PASSENGER CAR; BUS STATION, RAILWAY
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 ANY
PHYSICIAN, DENTIST, PSYCHOLOGIST, PSYCHIATRIST,
PHYSIOTHERAPIST, PODIATRIST, CHIROPRACTOR, OPTOMETRIST, OR
OPTICIAN.

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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 WHICH CAN READILY BE SEEN BY CUSTOMERS OR
VISITORS AND WHICH DESIGNATE smoking and nonsmoking areas.
SEATS, SIGNS, EXHAUST FANS AND WINDOWS MAY BE ARRANGED IN
ANY MANNER WHICH WILL CARRY OUT THE INTENT OF THIS ACT.

SECTION 4. ENFORCEMENT AND PENALTY. (1) THE
DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES MAY
CIRCULATE SUGGESTED GUIDELINES FOR ROOM ARRANGEMENT TO
PROMOTE MAXIMUM COMFORT FOR NONSMOKERS AT THE LEAST
INCONVENIENCE TO THOSE RESPONSIBLE FOR ROOM ARRANGEMENT.

(2) COUNTY SANITARIANS MAY INSPECT ENCLOSED PUBLIC
PLACES TO ASCERTAIN COMPLIANCE WITH THIS ACT.

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-

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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-

March 14, 1975

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"
2. Amend page 2, section 3, line 24.
Following: "COUNTY"
Strike: "SANITARIANS"
Insert: "Health Officers or Departments"

March 20, 1975

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.
(3) "Restaurant" means a place whose primary function is the sale of food for consumption on the premises."
2. Amend page 3, section 4, line 3.
Following: "act"
Insert: "by posting in a clearly visible place the sign required by this act"

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PHYSICIAN, DENTIST, PSYCHOLOGIST, PSYCHIATRIST,
PHYSIOTHERAPIST, PODIATRIST, CHIROPRACTOR, OPTOMETRIST, OR
OPTICIAN.

(2) "TAVERN" MEANS A PLACE WHOSE PRIMARY FUNCTION IS
THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE
PREMISES.

(3) "RESTAURANT" MEANS A PLACE WHOSE PRIMARY FUNCTION
IS THE SALE OF FOOD FOR CONSUMPTION ON THE PREMISES.

~~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 WHICH CAN READILY BE SEEN BY CUSTOMERS OR
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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
10 REQUIRED BY THIS ACT shall be fined not to exceed ten
11 dollars (\$10) for each DAY OF offense.

-End-