

HOUSE BILL NO. 445

Introduced: 01/22/83

Referred to Committee on Human Services: 01/22/83

Hearing: 2/11/83

Report: 02/16/83, Do Pass, As Amended

2nd Reading: 02/18/83, Do Pass, As Amended

3rd Reading: 02/22/83, Do Pass

Transmitted to Senate: 2/22/83

Referred to Committee on Business & Industry: 3/1/83

Rereferred to Committee on Public Health, Welfare, &
Safety: 03/03/83

Hearing: 3/22/83

Report: 03/24/83, Be Concurred In, As Amended

2nd Reading: 03/26/83, Be Indefinitely Postponed
Bill Killed

1 *Jim Jensen* *House* BILL NO. *445* *Rep*
 2 INTRODUCED BY *Ellis Vincent Repelman* *Unk*
 3 *Hunderdal* *FAAG* *Hanna* *Reese* *Stille* *James* *Hansen*
 4 *Walden* *Kadus* *Lyle* *Kochinke* *Har* *Schubert* *Nixon*
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE A NONSMOKING
 6 AREA TO BE DESIGNATED IN ALL ENCLOSED PUBLIC PLACES;
 7 REMOVING THE OPTION OF DESIGNATING THE ENTIRE AREA OF A
 8 PUBLIC PLACE AS A SMOKING AREA; AMENDING SECTION 50-40-104,
 9 MCA."

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

11 Section 1. Section 50-40-104, MCA, is amended to read:

12 "50-40-104. Designation or reservation of smoking or
 13 nonsmoking areas — notice. (1) Except for those enclosed
 14 public places provided for in 50-40-105, the proprietor or
 15 manager of an enclosed public place shall:

16 (a) designate nonsmoking areas with easily readable
 17 signs; or

18 (b) reserve a part of the public place for nonsmokers
 19 and post easily readable signs designating a smoking area
 20 or

21 (c) ~~designate the entire area as a smoking area by~~
 22 ~~posting a sign that is clearly visible to the public stating~~
 23 ~~this designation~~

24 (2) ~~The proprietor or manager of an establishment~~
 25 ~~containing enclosed public places shall post a sign in a~~

1 conspicuous place at all public entrances to the
 2 establishment stating in a manner that can be easily read
 3 and understood whether or not areas within the
 4 establishment have been reserved for nonsmokers.

5 (3) (2) The proprietor or manager of an establishment
 6 containing both a restaurant and a tavern, in which some
 7 patrons choose to eat their meals in the tavern, is not
 8 required by this part to ~~post a sign described in subsection~~
 9 ~~(2) designate a nonsmoking area~~ in the tavern area of the
 10 establishment."

-End-

Approved by Comm. On Human Services

1 HOUSE BILL NO. 445
2 INTRODUCED BY ELLERD, VINCENT, KITSELMAN, WALLIN,
3 RESAN, J. JENSEN, UNDERDAL, FAGG, HANNAH, SANDS, REAM,
4 HANSEN, WALDRON, KADAS, LYBECK, KOEHNKE, HARPER,
5 ZABROCKI, NILSON, ADDY, SCHYE, EUDAILY, KENNERLY,
6 VELEBER, MCBRIDE, SAUNDERS, WINSLOW, JACOBSON
7
8 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE A NONSMOKING
9 AREA TO BE DESIGNATED IN ALL ENCLOSED PUBLIC PLACES;
10 REMOVING THE OPTION OF DESIGNATING THE ENTIRE AREA OF A
11 PUBLIC PLACE AS A SMOKING AREA; AMENDING SECTION 50-40-104,
12 MCA."
13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
15 Section 1. Section 50-40-104, MCA, is amended to read:
16 "50-40-104. Designation or reservation of smoking or
17 nonsmoking areas -- notice. (1) Except for those enclosed
18 public places provided for in 50-40-105, the proprietor or
19 manager of an enclosed public place shall:
20 (a) designate ~~THE ENTIRE PUBLIC AREA AS~~ A nonsmoking
21 ~~area~~ AREA with easily readable signs; or
22 (b) reserve a part of the public place for nonsmokers
23 and post easily readable signs designating a--smoking ~~THE~~
24 NONSMOKING area+or
25 (c)+--designate--the--entire--area--as--a--smoking--area--by

1 posting-a-sign-that-is-clearly-visible-to-the-public-stating
2 this-designation+
3 (2)--The-proprietor--or--manager--of--an--establishment
4 containing--enclosed--public--places--shall--post--a--sign--in--a
5 conspicuous--place--at--all--public--entrances--to--the
6 establishment--stating+--in--a--manner--that--can--be--easily--read
7 and--understood+--whether--or--not--areas--within--the
8 establishment--have--been--reserved--for--nonsmokers.
9 (3)+(2) The proprietor or manager of an establishment
10 containing both-a-restaurant-and a tavern+--in--which--some
11 patrons--choose--to--eat--their--meals--in--the--tavern+ is not
12 required by this part to post-a-sign-described-in-subsection
13 (2) designate_a_nonsmoking_area_in-the-tavern--area--of--the
14 establishment."

-End-

SECOND READING

HOUSE BILL NO. 445

INTRODUCED BY ELLERD, VINCENT, KITSELMAN, WALLIN,
 RESAN, J. JENSEN, UNDERDAL, FAGG, HANNAH, SANDS, REAM,
 HANSEN, WALDRON, KADAS, LYBECK, KOEHNKE, HARPER,
 ZABROCKI, NILSON, ADDY, SCHVE, EUDAILY, KENNERLY,
 VELEBER, MCBRIDE, SAUNDERS, WINSLOW, JACOBSON

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE A NONSMOKING
 AREA TO BE DESIGNATED IN ALL ENCLOSED PUBLIC PLACES;
 REMOVING THE OPTION OF DESIGNATING THE ENTIRE AREA OF A
 PUBLIC PLACE AS A SMOKING AREA; AMENDING SECTION 50-40-104,
 MCA."

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

Section 1. Section 50-40-104, MCA, is amended to read:

"50-40-104. Designation or reservation of smoking or
 nonsmoking areas -- notice. (1) Except for those enclosed
 public places provided for in 50-40-105, the proprietor or
 manager of an enclosed public place shall:

(a) designate THE ENTIRE PUBLIC AREA AS A nonsmoking
 areas AREA with easily readable signs; or

(b) reserve a part of the public place for nonsmokers
 and post easily readable signs designating a smoking THE
NONSMOKING area; or

(c) designate the entire area as a smoking area by

posting a sign that is clearly visible to the public stating
 this designation.

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

(3)(2) The proprietor or manager of an establishment
 containing both a restaurant and BOTH A RESTAURANT AND a
 tavern in which some patrons choose to eat their meals in
 the tavern, IN WHICH SOME PATRONS CHOOSE TO EAT THEIR MEALS
IN THE TAVERN, is not required by this part to post a sign
 described in subsection (2) POST A SIGN DESCRIBED IN
SUBSECTION (2) designate a nonsmoking area in the tavern
area of the establishment IN THE TAVERN AREA OF THE
ESTABLISHMENT."

-End-

March 23, 1983

SENATE STANDING COMMITTEE REPORT
(Public Health, Welfare and Safety)

That House Bill No. 445 be amended as follows:

1. Page 2, lines 14 and 15.

Strike: "DESCRIBED IN SUBSECTION (2) designate"

Insert: "designating"

2. Page 2.

Following: line 17.

Insert: "(3) The part of a restaurant reserved for non-smokers under subsection (1) (b) may be moved or reduced in size during those times of a day when the whole public area of the restaurant is not open to the public."