

HOUSE BILL 156

Introduced by Kadas, et al.

1/13	Introduced
1/13	Referred to Local Government
1/13	First Reading
1/26	Hearing
1/29	Committee Report--Bill Passed
2/01	2nd Reading Do Not Pass

1 House BILL NO. 156
2 INTRODUCED BY Kedus Hays
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT EXTENDING SMOKING
5 RESTRICTIONS TO BUILDINGS OF POLITICAL SUBDIVISIONS;
6 AMENDING SECTION 50-40-204, MCA; AND REPEALING SECTION
7 50-40-201, MCA."
8

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

10 **Section 1.** Section 50-40-204, MCA, is amended to read:

11 "50-40-204. Smoke-free buildings -- designated smoking
12 areas -- exception. (1) In buildings maintained by the state
13 or by a political subdivision, smoking is prohibited in the
14 following areas:

- 15 (a) general office space;
16 (b) auditoriums, classrooms, and conference rooms;
17 (c) elevators;
18 (d) corridors, lobbies, restrooms, and stairways,
19 except as provided in subsections (2)(b) and (4);
20 (e) medical care facilities;
21 (f) libraries; and
22 (g) hazardous areas.

23 (2) An agency head or the governing body of a political
24 subdivision shall establish at least one "designated smoking
25 area" in each building, except in those areas listed in

1 subsection (1), suited by architectural design and
2 functional purpose to be used as a smoking area.

3 (a) An agency head or the governing body of a political
4 subdivision may designate a smoking area in a cafeteria. The
5 size of the area must be determined by an estimate of the
6 number of smoking and nonsmoking patrons served.

7 (b) An agency head or the governing body of a political
8 subdivision may designate a corridor, lobby, or restroom as
9 a smoking area when it is not possible to designate another
10 smoking area.

11 (3) In establishing designated smoking areas, as
12 provided in subsection (2), an agency head or the governing
13 body of a political subdivision shall consider:

- 14 (a) the number of smokers and nonsmokers in the agency
15 building;
16 (b) the building ventilation system;
17 (c) the availability of space; and
18 (d) the protection of nonsmokers from involuntary
19 exposure to smoke.

20 (4) Agencies or political subdivisions in multitenant
21 buildings are encouraged to work together to identify
22 designated smoking areas.

23 (5) This section does not apply to a school or
24 community college facility designated as tobacco-free by the
25 board of trustees of the school district or community

LC 0957/01

1 college district."

2 NEW SECTION. Section 2. Repealer. Section 50-40-201,

3 MCA, is repealed.

-End-

APPROVED BY COMM.
ON LOCAL GOVERNMENT

1 House BILL NO. 156
2 INTRODUCED BY Kedar Harper
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT EXTENDING SMOKING
5 RESTRICTIONS TO BUILDINGS OF POLITICAL SUBDIVISIONS;
6 AMENDING SECTION 50-40-204, MCA; AND REPEALING SECTION
7 50-40-201, MCA."
8

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

10 **Section 1.** Section 50-40-204, MCA, is amended to read:

11 "50-40-204. **Smoke-free buildings -- designated smoking**
12 **areas -- exception.** (1) In buildings maintained by the state
13 or by a political subdivision, smoking is prohibited in the
14 following areas:

- 15 (a) general office space;
- 16 (b) auditoriums, classrooms, and conference rooms;
- 17 (c) elevators;
- 18 (d) corridors, lobbies, restrooms, and stairways,
- 19 except as provided in subsections (2)(b) and (4);
- 20 (e) medical care facilities;
- 21 (f) libraries; and
- 22 (g) hazardous areas.

23 (2) An agency head or the governing body of a political
24 subdivision shall establish at least one "designated smoking
25 area" in each building, except in those areas listed in

1 subsection (1), suited by architectural design and
2 functional purpose to be used as a smoking area.

3 (a) An agency head or the governing body of a political
4 subdivision may designate a smoking area in a cafeteria. The
5 size of the area must be determined by an estimate of the
6 number of smoking and nonsmoking patrons served.

7 (b) An agency head or the governing body of a political
8 subdivision may designate a corridor, lobby, or restroom as
9 a smoking area when it is not possible to designate another
10 smoking area.

11 (3) In establishing designated smoking areas, as
12 provided in subsection (2), an agency head or the governing
13 body of a political subdivision shall consider:

- 14 (a) the number of smokers and nonsmokers in the agency
15 building;
- 16 (b) the building ventilation system;
- 17 (c) the availability of space; and
- 18 (d) the protection of nonsmokers from involuntary
19 exposure to smoke.

20 (4) Agencies or political subdivisions in multitenant
21 buildings are encouraged to work together to identify
22 designated smoking areas.

23 (5) This section does not apply to a school or
24 community college facility designated as tobacco-free by the
25 board of trustees of the school district or community

LC 0957/01

- 1 college district."
- 2 NEW SECTION. **Section 2.** Repealer. Section 50-40-201,
- 3 MCA, is repealed.

-End-