

# 85-H 5076

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 1985

A N A C T

RELATING TO SMOKING IN PUBLIC BUILDINGS  
AND PLACES OF EMPLOYMENT

Introduced By: Representatives Kapstein, Anzeveno, Ferreira, Johnson,  
Date Introduced: Garcleri  
 January 4, 1985  
Referred To: House Committee on Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 23-20.6-1 and 23-20.6-2 of the General Laws  
 2 in Chapter 23-20.6 entitled "Smoking in Public Places" are hereby  
 3 amended to read as follows:

4 23-20.6-1. Legislative intent. -- The use of tobacco for smoking  
 5 purposes is being found to be increasingly dangerous, not only to the  
 6 person smoking but also to the non-smoking person who is required to  
 7 breathe such contaminated air. The most pervasive intrusion of the  
 8 non-smoker's right to unpolluted air space is the uncontrolled smoking  
 9 in public places buildings and places of employment. The legislature  
 10 intends, by the enactment of this chapter, to protect the health and  
 11 atmospheric environment of the non-smoker by regulating smoking in  
 12 certain public areas buildings and places of employment.

13 23-20.6-2. Smoking in certain public areas. Posting of signs  
 14 and eating facilities. Violation. Penalty. 23-20.6-2. Smoking

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1 in public buildings and places of employment -- Posting of signs --  
2 Eating facilities -- Violation -- Penalty. -- (a) Smoking tobacco in  
3 any form is a public nuisance and dangerous to public health and shall  
4 not be permitted in any of-the-following-places-used-by-or-open-to-the  
5 public--elevators;--indoor-movie-theaters;--libraries;--art--galleries;  
6 museums;--concert--halls;--buses;--primary;--secondary-or-post-secondary  
7 school--buildings;--colleges;--supermarkets;--medical--offices;--and  
8 hospitals public building or place of employment.

9 (1) The proprietor or other person in charge of a public area  
10 listed-in-subsection-(a) building or place of employment shall make  
11 reasonable efforts to prevent smoking and shall post no smoking and  
12 warning signs conspicuously in these areas places.

13 (b) Any person who violates this chapter shall be deemed to be  
14 contributing to the maintenance of a public nuisance in a public  
15 place, and shall be subject to a fine of not less than ten dollars  
16 (\$10.00) nor more than one hundred dollars (\$100).

17 (c) This section does not prohibit smoking in the-areas-listed-in  
18 subsection-(a) public buildings or places of employment if the smoking  
19 is confined to areas separated from those used by the general public  
20 or employees.

21 (d) Eating facilities with a seating capacity of fifty (50) or  
22 more persons shall have separate seating for nonsmokers and smokers.  
23 For purposes of this section, an "eating facility" shall mean any  
24 building, structure, room or area maintained as, or held out to the  
25 public as an enclosure where meals are served for consideration of  
26 payment, excluded however, are bars, nightclubs, lounges, dance clubs  
27 and privately sponsored social affairs.

28 (1) The proprietor or person in charge of the eating facility  
29 shall post signs as follows: a) at the entry stating that the estab-  
30 lishment is required by law to have a no-smoking section; and b) in  
31 the no-smoking sections identifying the area.

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1           (2) The Department of Health is hereby authorized to adopt rules  
2 and regulations necessary for the implementation and enforcement of  
3 this subsection.

4           SECTION 2. This act shall take effect upon passage.

## EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

AN ACT

RELATING TO SMOKING IN PUBLIC BUILDINGS  
AND PLACES OF EMPLOYMENT

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1           This act prohibits smoking in all public buildings or places  
2 of employment unless the smoking is confined to separate areas.

3           The act would take effect upon passage.

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