

HB 438 -- Indoor Clean Air Act

Sponsor: Schupp

This bill repeals the Indoor Clean Air Act and establishes new laws regarding smoking in public places. In its main provisions, the bill:

- (1) Prohibits smoking in all enclosed facilities including buildings and vehicles owned, leased, or operated by governmental entities;
- (2) Prohibits smoking in all enclosed public places including, but not limited to, restaurants, bars, shopping malls, retail stores, sports arenas, theaters, and museums;
- (3) Prohibits smoking in all enclosed facilities within places of employment including, but not limited to, meeting rooms, employee lounges, private offices, and cafeterias;
- (4) Prohibits smoking in outdoor places including within 15 feet of entrances, windows, and ventilation systems; bleachers and grandstands of outdoor arenas; public transportation stations, platforms, and shelters; and playgrounds;
- (5) Exempts private residences, tobacco retail stores, at least 20% of hotel and motel rooms, and certain outdoor areas of places of employment from the provisions of the act;
- (6) Requires the posting of no smoking signs and the removal of ashtrays in prohibited areas;
- (7) Prohibits any person or employer from discriminating or retaliating against any person who has exercised his or her rights under the provisions of the bill;
- (8) Specifies that the Department of Health and Senior Services will enforce the provisions of the bill;
- (9) Specifies that any person smoking in a prohibited area will be guilty of an infraction and any person who controls a public place or place of employment who fails to comply with the provisions of the bill will be subject to a fine not to exceed \$50 for the first violation, a fine not to exceed \$100 for a second violation within one year, and a fine not to exceed \$500 for a third or subsequent violation within one year and may have his or her license suspended or revoked; and
- (10) Allows a political subdivision or local school board to establish more stringent ordinances or rules.

The bill becomes effective January 2, 2012.