

HB 926 -- INDOOR AIR QUALITY

SPONSOR: Plank

This bill repeals the current statutes relating to indoor air quality and creates the "Missouri Clean Indoor Air Act", which prohibits smoking in any indoor area, except as specifically exempted in the bill. No cigar-tobacco bar, as defined in the bill, can operate without a permit from the Department of Health and Senior Services. The permit, which can be renewed annually, will specify if the cigar-tobacco bar meets the requirements to be considered an "exempt cigar-tobacco bar". The bill also sets requirements for a retail tobacco business including age restrictions and signage requirements.

The bill specifies the places at which the smoking prohibition does not apply, including private homes and residences, private automobiles, retail tobacco businesses that meet certain requirements, exempt cigar-tobacco bars as defined in the bill, the outdoor area of a business, or certain private nonresidential buildings on land used for farming. The owner or manager of any place exempt from the smoking prohibition can post signs prohibiting smoking.

A political subdivision can enact, adopt, and enforce smoking regulations, but cannot adopt regulations less stringent than the provisions of this bill. The bill authorizes political subdivisions to enact certain additional smoking requirements and specifies who is responsible for the enforcement of such regulations.

The bill specifies that it is unlawful for:

- (1) A person who owns, manages, operates, or controls a regulated premises to violate the provisions of the bill; or
- (2) A person to smoke in a area where smoking is prohibited.

The Department of Health and Senior Services and the local public health agency will enforce the provisions of the bill and can initiate enforcement actions as authorized under the bill. Any resident of the state can submit a complaint to the Department. The Department must also conduct an inspection for compliance with the provisions of the bill any time it is conducting an inspection for compliance with other laws and regulations.

An owner, manager, operator, or employee of any premises where smoking is prohibited must direct a person who is smoking to extinguish or turn off the product being smoked. If the person

does not stop smoking, the owner, manager, operator, or employee must refuse service and immediately ask the person to leave the premises and if the person does not leave, the owner, manager, operator, or employee must contact the Department.

A person who owns, manages, or operates a premises where smoking is prohibited, who violates the provisions of the bill, must be subject to the following penalties:

(1) For the first violation, a warning and an order to comply within 30 days;

(2) For the second violation, or failure to remedy the first violation within 30 days, a fine of \$1,000 and an order requiring compliance within 30 days;

(3) For the third violation, or failure to remedy any previous violation within 30 days, a fine of \$2,000 and an order requiring compliance within 30 days; and

(4) For the fourth violation, or failure to remedy any previous violation, within 30 days, an order closing the premises and all operations on the premises until the person pays all outstanding fines and demonstrates full compliance.