

SECOND REGULAR SESSION

HOUSE BILL NO. 1618

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SASSMANN.

5027H.01I

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 191.765, 191.767, 191.769, 191.771, 191.773, 191.775, 191.776, and 191.777, RSMo, and to enact in lieu thereof nine new sections relating to indoor air quality, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 191.765, 191.767, 191.769, 191.771, 191.773, 191.775, 191.776, 2 and 191.777, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known 3 as sections 191.2710, 191.2715, 191.2720, 191.2725, 191.2730, 191.2735, 191.2740, 4 191.2745, and 191.2750, to read as follows:

191.2710. Sections 191.2710 to 191.2750 shall be known and may be cited as the 2 **"Missouri Clean Indoor Air Act".**

191.2715. As used in sections 191.2710 to 191.2750, unless the context otherwise 2 **requires, the following terms mean:**

3 (1) "Auditorium", the part of a public building where an audience gathers to 4 attend a performance, including any corridors, hallways, or lobbies adjacent thereto;

5 (2) "Bar", any indoor area that is operated and licensed under chapter 311, 6 primarily for the sale and service of alcoholic beverages for on-premises consumption 7 and where the service of food is secondary to the consumption of such alcoholic 8 beverages;

9 (3) "Cigar-tobacco bar", a bar that:

10 (a) Is located in a freestanding structure occupied solely by the bar such that the 11 bar does not share any wall with an indoor area in which smoking is prohibited under 12 sections 191.2710 to 191.2750; and

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 (b) In the calendar year ending December 31, 2025, derived revenue from the
14 on-site sale of tobacco products and the rental of on-site humidors, not including any
15 sales from vending machines;

16 (4) "Electronic smoking device" or "ESD":

17 (a) Any product that contains or delivers nicotine or any other substance
18 intended for human consumption and that can be used by a person to enable the
19 inhalation of vapor or aerosol from the product; or

20 (b) Any product or device similar to a product described in paragraph (a) of this
21 subdivision, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-
22 cigar, e-pipe, e-hookah, or vape pen or under any other product name or descriptor;

23 (c) Shall not include:

24 a. A humidifier or similar device that emits only water vapor; or

25 b. An inhaler, nebulizer, or vaporizer that is approved by the federal Food and
26 Drug Administration for the delivery of medication;

27 (5) "Employee":

28 (a) Any person who:

29 a. Performs any type of work for benefit of another in consideration of direct or
30 indirect wages or profit; or

31 b. Provides uncompensated work or services to a business or nonprofit entity;
32 and

33 (b) Shall include every person described in paragraph (a) of this subdivision
34 regardless of whether such person is referred to as an employee, contractor,
35 independent contractor, or volunteer or by any other designation or title;

36 (6) "Employer", any person, partnership, association, corporation, or nonprofit
37 entity that employs one or more persons including, but not limited to, the legislative,
38 executive, and judicial branches of state government; any political subdivision or
39 instrumentality thereof; any special district or local authority, commission, or agency of
40 the state; or any other separate corporate instrumentality or unit of state or local
41 government;

42 (7) "Enclosed area", all space between a floor and a ceiling that is bounded on at
43 least two sides by walls, doorways, or windows, whether open or closed. For purposes of
44 this subdivision, a wall includes any retractable divider, garage door, or other physical
45 barrier, whether temporary or permanent, regardless of whether it contains openings of
46 any kind;

47 (8) "Entryway", the outside of the front or main doorway leading into a building
48 or facility that is not exempted from sections 191.2710 to 191.2750 under section
49 191.2725. The term "entryway" shall include the area of public or private property

50 within a specified radius outside of the doorway. The specified radius may be
51 determined by a political subdivision under section 191.2735 but shall be at least twenty-
52 five feet unless subdivision (2) or (3) of subsection 3 of section 191.2735 applies. If the
53 political subdivision has not acted, the specified radius is twenty-five feet;

54 (9) "Exempt cigar-tobacco bar", a cigar-tobacco bar that, in the most recent
55 calendar year, derived more than fifty percent of its annual gross revenue from the on-
56 site sale of tobacco products and the rental of on-site humidors, not including any sales
57 from vending machines, as verified by the department of health and senior services;

58 (10) "Food service establishment", any indoor area or portion thereof in which
59 the principal business is the sale of food for on-premises consumption including, but not
60 limited to, restaurants, cafeterias, coffee shops, diners, sandwich shops, and short-order
61 cafes;

62 (11) "Health care facility", an office or institution providing care or treatment of
63 diseases, whether physical, mental, or emotional, or other medical, physiological, or
64 psychological conditions including, but not limited to, hospitals; rehabilitation hospitals
65 or other clinics, including weight control clinics; nursing homes; long-term care
66 facilities; homes for the aging or chronically ill; laboratories; and offices of surgeons,
67 chiropractors, physical therapists, physicians, psychiatrists, dentists, and all specialists
68 within these professions. The term "health care facility" shall include all waiting rooms,
69 hallways, private rooms, semiprivate rooms, and wards within such office or institution;

70 (12) "Hookah", a water pipe and any associated products and devices that are
71 used to produce fumes, smoke, or vapor from the burning of material including, but not
72 limited to, tobacco, shisha, or other plant matter;

73 (13) "Indoor area", any enclosed area or portion thereof. The opening of
74 windows or doors, or the temporary removal of wall panels, shall not convert an indoor
75 area into an outdoor area;

76 (14) "Local public health agency", a county health center board established
77 under chapter 205, a county health department, a combined city and county health
78 department or agency, a multicounty health department or agency, or any other county
79 health authority;

80 (15) "Marijuana", the same meaning given to the term in Article XIV of the
81 Constitution of Missouri;

82 (16) "Place of employment", any indoor area or portion thereof under the
83 control of an employer in which employees of the employer perform services for, or on
84 behalf of, the employer;

85 (17) "Political subdivision", any county, city, town, or village;

86 **(18) "Private club", an organization, regardless of whether it is incorporated,**
87 **that:**

88 **(a) Is the owner, lessee, or occupant of a building, or portion thereof, used**
89 **exclusively for club purposes at all times;**

90 **(b) Is operated solely for a recreational, fraternal, social, patriotic, political,**
91 **benevolent, or athletic purpose, but not for pecuniary gain;**

92 **(c) Only sells alcoholic beverages incidental to its operation;**

93 **(d) Conducts its affairs and management through a board of directors, executive**
94 **committee, or similar body chosen by the members at an annual meeting;**

95 **(e) Has established bylaws or a constitution to govern its activities; and**

96 **(f) Has been granted an exemption from the payment of federal income tax as a**
97 **club under 26 U.S.C. Section 501;**

98 **(19) "Public building", any building owned or operated by:**

99 **(a) The state, including the legislative, executive, and judicial branches of state**
100 **government;**

101 **(b) Any political subdivision or instrumentality thereof or any special district or**
102 **local authority, commission, or agency of the state; or**

103 **(c) Any other separate corporate instrumentality or unit of state or local**
104 **government;**

105 **(20) "Public meeting", the same meaning given to the term in section 610.010;**

106 **(21) "Secondhand smoke", the complex mixture formed from the escaping**
107 **smoke of a burning tobacco product, marijuana product, or other plant product**
108 **intended for inhalation, also known as "sidestream smoke", and smoke exhaled by the**
109 **smoker;**

110 **(22) "Smoke-free work area", a work area where smoking is prohibited under**
111 **sections 191.2710 to 191.2750;**

112 **(23) "Smoking", inhaling, exhaling, burning, or carrying any lighted or heated**
113 **cigar, cigarette, or pipe or any other lighted or heated tobacco or plant product intended**
114 **for inhalation, including marijuana, whether natural or synthetic, in any manner or in**
115 **any form. The term "smoking" also includes the use of an ESD;**

116 **(24) "Tobacco", cigarettes, cigars, cheroots, stogies, and periques; granulated,**
117 **plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff and snuff flour;**
118 **cavendish; plug and twist tobacco; fine-cut and other chewing tobacco; shorts, refuse**
119 **scraps, clippings, cuttings, and sweepings of tobacco; and other kinds and forms of**
120 **tobacco, prepared in such manner as to be suitable for chewing or for smoking in a**
121 **cigarette, pipe, or otherwise, or for both chewing and smoking. The term "tobacco"**

122 also includes cloves and any other plant matter or product that is packaged for smoking
123 except for marijuana;

124 (25) "Tobacco business", a sole proprietorship, corporation, partnership, or
125 other enterprise that is:

126 (a) Located in a freestanding structure occupied solely by the business such that
127 the business does not share any wall with an indoor area in which smoking is prohibited
128 under sections 191.2710 to 191.2750; and

129 (b) Engaged primarily in the sale, manufacture, or promotion of tobacco,
130 tobacco products, or smoking devices or accessories, including ESDs, either at wholesale
131 or retail, and in which the sale, manufacture, or promotion of other products is merely
132 incidental;

133 (26) "Work area", an area in a place of employment where one or more
134 employees are routinely assigned and perform services for or on behalf of their
135 employer.

191.2720. 1. Except as provided in section 191.2725, smoking is not permitted
2 and a person shall not smoke in any indoor area including, but not limited to:

3 (1) Public meeting places;

4 (2) Elevators;

5 (3) Government-owned or -operated means of mass transportation including,
6 but not limited to, buses, vans, and trains;

7 (4) Public transportation facilities including, but not limited to, bus, train, and
8 airport facilities;

9 (5) Taxicabs and limousines;

10 (6) Grocery stores;

11 (7) Gymnasiums;

12 (8) Jury waiting and deliberation rooms;

13 (9) Courtrooms;

14 (10) Child day care facilities;

15 (11) Health care facilities;

16 (12) Any place of employment that is not exempted regardless of the number of
17 employees or whether it is open to the public. In the case of employers who own
18 facilities otherwise exempted from sections 191.2710 to 191.2750, each such employer
19 shall provide a smoke-free work area for each employee requesting not to have to
20 breathe secondhand smoke and emissions from electronic smoking devices;

21 (13) Food service establishments;

22 (14) Bars, including cigar-tobacco bars that do not qualify as exempt cigar-
23 tobacco bars;

- 24 **(15) Gaming facilities and any other facilities in which any gaming or gambling**
25 **activity is conducted;**
- 26 **(16) Indoor sports arenas;**
- 27 **(17) Restrooms, lobbies, hallways, and other common areas in public and private**
28 **buildings, condominiums, and other multiple-unit residential facilities;**
- 29 **(18) Bowling alleys;**
- 30 **(19) Billiard or pool halls;**
- 31 **(20) Retirement facilities, publicly owned housing facilities, nursing homes, and**
32 **any facilities licensed under chapter 198;**
- 33 **(21) Public buildings;**
- 34 **(22) Auditoriums;**
- 35 **(23) Theaters;**
- 36 **(24) Museums;**
- 37 **(25) Libraries;**
- 38 **(26) Public and nonpublic schools;**
- 39 **(27) Other educational and vocational institutions;**
- 40 **(28) Airports;**
- 41 **(29) Hotel and motel rooms;**
- 42 **(30) Private clubs; and**
- 43 **(31) The entryways of all buildings and facilities listed in this subsection.**
- 44 **2. A cigar-tobacco bar shall not operate unless it holds a permit issued by the**
45 **department of health and senior services authorizing its operations. Permits shall be**
46 **valid for a period of one year from the date of issuance and may be renewed annually.**
47 **Before any issuance or renewal of a permit under this subsection, the department of**
48 **health and senior services shall evaluate the annual gross revenue of the cigar-tobacco**
49 **bar to determine whether the cigar-tobacco bar qualifies as an exempt cigar-tobacco**
50 **bar. The permit shall specify whether the cigar-tobacco bar is an exempt cigar-tobacco**
51 **bar.**
- 52 **3. An exempt cigar-tobacco bar:**
- 53 **(1) Shall not expand its size or change its location from the size and location in**
54 **which it existed as of August 28, 2026;**
- 55 **(2) Shall not permit the smoking of any tobacco products other than cigars on its**
56 **premises; and**
- 57 **(3) Shall prohibit entry by any person under twenty-one years of age and shall**
58 **display signage in at least one conspicuous place and at least four inches by six inches in**
59 **size stating: "Smoking allowed. Persons under twenty-one years of age may not enter.".**
- 60 **4. A retail tobacco business:**

- 61 (1) Shall prohibit entry by any person under twenty-one years of age; and
62 (2) Shall display signage in at least one conspicuous place and at least four inches
63 by six inches in size stating either:
64 (a) "Smoking allowed. Persons under twenty-one years of age may not enter.";
65 or
66 (b) In the case of a retail tobacco business that desires to allow the use of ESDs
67 but not other forms of smoking on the premises, "Vaping allowed. Persons under
68 twenty-one years of age may not enter."

191.2725. Sections 191.2710 to 191.2750 shall not apply to:

- 2 (1) Private homes, private residences, and private automobiles, except that
3 sections 191.2710 to 191.2750 shall apply if any such home, residence, or vehicle is being
4 used for child care or day care or if a private vehicle is being used for the public
5 transportation of children or as part of health care or day care transportation;
6 (2) Any retail tobacco business, except that the requirements in subsection 4 of
7 section 191.2720 apply to a retail tobacco business;
8 (3) An exempt cigar-tobacco bar, except that the requirements in subsections 2
9 and 3 of section 191.2720 apply to an exempt cigar-tobacco bar;
10 (4) The outdoor area of any business as long as such area does not encompass
11 any entryway; or
12 (5) A private, nonresidential building on land used for farming, as defined in
13 section 350.010, that has annual gross income of less than five hundred thousand dollars.

191.2730. The owner or manager of any place otherwise exempted under section
2 191.2725 may post signs prohibiting smoking. Such posting shall have the effect of
3 including such place in the places where smoking is prohibited or restricted under
4 sections 191.2710 to 191.2750.

191.2735. 1. Sections 191.2710 to 191.2750 shall not be interpreted or construed
2 to permit smoking where it is otherwise restricted by any other applicable law.

3 2. A political subdivision may enact, adopt, and enforce smoking regulations that
4 cover the same subject matter as the various provisions of sections 191.2710 to 191.2750,
5 except that, unless otherwise authorized under subdivision (2) or (3) of subsection 3 of
6 this section, a political subdivision shall not adopt a local regulation of smoking that is
7 less stringent than the provisions of sections 191.2710 to 191.2750.

- 8 3. (1) A political subdivision is specifically authorized to specify a radius of more
9 than twenty-five feet for the area included within an entryway.
10 (2) A local regulation that was adopted by a political subdivision before January
11 1, 2026, and that specifies a radius of less than twenty-five feet for the area included
12 within an entryway remains valid and shall be given effect on and after August 28, 2026.

13 **(3) If a person owns or leases business premises that were under construction or**
14 **renovation on August 28, 2026, complied with a local regulation of smoking that**
15 **specified a radius of less than twenty-five feet for the area included within an entryway,**
16 **and, as of August 28, 2026, has applied for or received from the political subdivision in**
17 **which the premises are located a certificate of occupancy for the structure to be used for**
18 **the business premises, the person is deemed in compliance with all local regulations**
19 **specifying the radius of the area included within an entryway.**

20 **4. The municipal courts or their equivalent in any city, town, or village have**
21 **jurisdiction over violations of smoking regulations enacted by any city, town, or village**
22 **under this section.**

191.2740. 1. It shall be unlawful for a person who owns, manages, operates, or
2 **otherwise controls the use of a premises subject to any requirement under sections**
3 **191.2710 to 191.2750 to violate any provision of sections 191.2710 to 191.2750.**

4 **2. It shall be unlawful for a person to smoke in an area where smoking is**
5 **prohibited under sections 191.2710 to 191.2750.**

191.2745. 1. The department of health and senior services and local public
2 **health agencies shall enforce the provisions of sections 191.2710 to 191.2750. The**
3 **department of health and senior services or the appropriate local public health agency**
4 **may initiate any enforcement action authorized under this section.**

5 **2. Every applicant seeking to register its business with the secretary of state shall**
6 **receive notice of the provisions of sections 191.2710 to 191.2750.**

7 **3. Any resident of this state may submit a complaint to the department of health**
8 **and senior services seeking an enforcement action for a violation of sections 191.2710 to**
9 **191.2750.**

10 **4. The department of health and senior services shall conduct an inspection of**
11 **any premises subject to any requirement under sections 191.2710 to 191.2750 to**
12 **determine compliance with the provisions of sections 191.2710 to 191.2750 any time the**
13 **department is conducting an inspection of the premises for compliance with the**
14 **provisions of laws other than sections 191.2710 to 191.2750.**

15 **5. An owner, manager, operator, or employee of any premises subject to any**
16 **requirement under sections 191.2710 to 191.2750 shall direct a person who is smoking in**
17 **violation of sections 191.2710 to 191.2750 to extinguish or turn off the product being**
18 **smoked. If the person does not stop smoking, the owner, manager, operator, or**
19 **employee shall refuse service and shall immediately ask the person to leave the premises.**
20 **If the person in violation refuses to leave the premises, the owner, manager, operator, or**
21 **employee shall contact the department of health and senior services.**

22 6. Any person who owns, manages, operates, or otherwise controls the use of a
23 premises subject to any requirement under sections 191.2710 to 191.2750 who violates
24 any provision of sections 191.2710 to 191.2750 shall be subject to the following penalties:

25 (1) For the first violation, a warning and an order to comply with sections
26 191.2710 to 191.2750 within thirty days;

27 (2) For the second violation, or failure to remedy the first violation, within thirty
28 days of the order under subdivision (1) of this subsection, a fine of one thousand dollars
29 and an order requiring compliance within thirty days;

30 (3) For the third violation, or failure to remedy any previous violation, within
31 thirty days of the order under subdivision (2) of this subsection, a fine of two thousand
32 dollars and an order requiring compliance within thirty days; and

33 (4) For the fourth violation, or failure to remedy any previous violation, within
34 thirty days of the order under subdivision (3) of this subsection, an order closing the
35 premises and all operations on the premises until the person pays all outstanding fines
36 and demonstrates full compliance with sections 191.2710 to 191.2750.

37 7. In addition to the remedies provided by the provisions of this section, the
38 department of health and senior services, the local public health agency, or any affected
39 party may institute an action in any court with competent jurisdiction to enjoin
40 repeated violations of any of the provisions of sections 191.2710 to 191.2750.

 191.2750. The department of health and senior services shall promulgate all
2 necessary rules and regulations to implement the provisions of sections 191.2710 to
3 191.2750. Any rule or portion of a rule, as that term is defined in section 536.010, that is
4 created under the authority delegated in this section shall become effective only if it
5 complies with and is subject to all of the provisions of chapter 536 and, if applicable,
6 section 536.028. This section and chapter 536 are nonseverable and if any of the powers
7 vested with the general assembly pursuant to chapter 536 to review, to delay the
8 effective date, or to disapprove and annul a rule are subsequently held unconstitutional,
9 then the grant of rulemaking authority and any rule proposed or adopted after August
10 28, 2026, shall be invalid and void.

~~[191.765. As used in sections 191.765 to 191.773 and section 290.145,~~
2 ~~the following terms mean:~~

3 ~~(1) "Bar" or "tavern", any licensed establishment which serves liquor~~
4 ~~on the premises for which not more than ten percent of the gross sales receipts~~
5 ~~of the business are supplied by food purchases, either for consumption on the~~
6 ~~premises or elsewhere;~~

7 ~~(2) "Other person in charge", the agent of the proprietor authorized to~~
8 ~~give administrative directions to and general supervision of the activities~~
9 ~~within the public place, work place or public meeting at any given time;~~

(3) ~~"Proprietor", the party who ultimately controls, governs or directs the activities within the public place, work place or public meeting, regardless of whether he is the owner or lessor of such place or site. The term does not mean the owner of the property unless he ultimately controls, governs or directs the activities within the public place or public meeting. The term "proprietor" shall apply to a corporation as well as an individual;~~

(4) ~~"Public meeting", a gathering in person of members of a governmental body, whether an open or closed session, as defined in chapter 610;~~

(5) ~~"Public place", any enclosed indoor area used by the general public or serving as a place of work including, but not limited to:~~

~~(a) Any retail or commercial establishments;~~

~~(b) Health care facilities, health clinics or ambulatory care facilities including, but not limited to, laboratories associated with health care treatment, hospitals, nursing homes, physicians' offices and dentists' offices;~~

~~(c) Any vehicle used for public transportation including, but not limited to, buses, taxicabs and limousines for hire;~~

~~(d) Rest rooms;~~

~~(e) Elevators;~~

~~(f) Libraries, educational facilities, day care facilities, museums, auditoriums and art galleries;~~

~~(g) All public areas and waiting rooms of public transportation facilities including, but not limited to, bus and airport facilities;~~

~~(h) Any enclosed indoor place used for entertainment or recreation including, but not limited to, gymnasiums, theater lobbies, concert halls, arenas and swimming pools;~~

~~(i) Any other enclosed indoor areas used by the general public including, but not limited to, corridors and shopping malls;~~

~~(6) "Restaurant", any building, structure or area used, maintained or advertised as or held out to the public to be an enclosure where meals for consideration of payment are made available to be consumed on the premises;~~

~~(7) "Smoking", possession of burning tobacco in the form of a cigarette, cigar, pipe or other smoking equipment.]~~

~~[191.767. 1. A person shall not smoke in a public place or in a public meeting except in a designated smoking area.~~

~~2. A smoking area may be designated by persons having custody or control of public places, except in places in which smoking is prohibited by the fire marshal or by other law, ordinance or regulation.~~

~~3. No public place shall have more than thirty percent of its entire space designated as a smoking area.~~

~~4. A designated smoking area where state employees may smoke during the work day shall be provided by each state executive department and institution of higher education, provided such area can be adequately ventilated at minimum cost, within the physical confines of each facility.~~

~~5. A proprietor or other person in charge of a restaurant shall designate an area of sufficient size to accommodate usual and customary demand for nonsmoking areas by customers or patrons.]~~

~~[191.769. The following areas are not considered a public place:~~

~~(1) An entire room or hall which is used for private social functions, provided that the seating arrangements are under the control of the sponsor of the function and not of the proprietor or other person in charge;~~

~~(2) Limousines for hire and taxicabs, where the driver and all passengers agree to smoking in such vehicle;~~

~~(3) Performers on the stage, provided that the smoking is part of the production;~~

~~(4) A place where more than fifty percent of the volume of trade or business carried on is that of the blending of tobaccos or sale of tobaccos, cigarettes, pipes, cigars or smoking sundries;~~

~~(5) Bars, taverns, restaurants that seat less than fifty people, bowling alleys and billiard parlors, which conspicuously post signs stating that "Nonsmoking Areas are Unavailable";~~

~~(6) Private residences; and~~

~~(7) Any enclosed indoor arena, stadium or other facility which may be used for sporting events and which has a seating capacity of more than fifteen thousand persons.]~~

~~[191.771. The person having custody or control of a public place or public meeting shall:~~

~~(1) Make reasonable efforts to prevent smoking in the public place or public meeting by posting appropriate signs indicating no smoking or smoking area and arrange seating accordingly. These signs shall be placed at a height and location easily seen by a person entering the public place or public meeting and not obscured in any way;~~

~~(2) Arrange seating and utilize available ventilation systems and physical barriers to isolate designated smoking areas;~~

~~(3) Make a reasonable request of persons smoking to move to a designated smoking area;~~

~~(4) Allow smoking in designated areas of theater lobbies only.]~~

~~[191.773. The following persons shall be guilty of an infraction:~~

~~(1) A person who smokes in those areas where smoking is prohibited pursuant to the provisions of sections 191.765 to 191.773 and section 290.145;~~

~~(2) A proprietor or other person in charge of a public place or public meeting who permits, causes, suffers or allows a person to smoke in those areas where smoking is prohibited pursuant to sections 191.765 to 191.773 and section 290.145.]~~

~~[191.775. No person shall smoke or otherwise use tobacco, tobacco products, or vapor products, as such term is defined in section 407.925, in any indoor area of a public elementary or secondary school building or educational facility, excluding institutions of higher education, or on buses used solely to transport students to or from school or to transport students to or from any place for educational purposes. Any school board of any school district may set policy on the permissible uses of tobacco products or vapor products in any~~

8 ~~other nonclassroom or nonstudent occupant facility, and on the school grounds~~
9 ~~or outdoor facility areas as the school board deems proper.]~~

2 ~~[191.776. No person shall smoke or otherwise use tobacco products in~~
3 ~~any area of a child care facility licensed by the department of health and senior~~
4 ~~services pursuant to the provisions of sections 210.201 to 210.245 during the~~
5 ~~period of time when the children cared for under that license are present. Any~~
6 ~~person who violates the provisions of this section shall be guilty of an~~
~~infraction.]~~

2 ~~[191.777. Nothing in sections 191.775 and 191.776 shall prohibit local~~
3 ~~political subdivisions or local boards of education from enacting more~~
~~stringent ordinances or rules.]~~

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