

SECOND REGULAR SESSION

HOUSE BILL NO. 3103

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ANDERSON.

6171H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 191.765, 191.769, 191.775, and 191.776, RSMo, and to enact in lieu thereof four 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Section A. Sections 191.765, 191.769, 191.775, and 191.776, RSMo, are repealed
2 and four new sections enacted in lieu thereof, to be known as sections 191.765, 191.769,
3 191.775, and 191.776, to read as follows:

191.765. As used in sections 191.765 to [~~191.773~~] **191.777** and section 290.145, the
2 following terms mean:

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

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

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

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

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.

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

18 (a) Any retail or commercial establishments;

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

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

24 (d) Rest rooms;

25 (e) Elevators;

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

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

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

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

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

37 (7) "Smoking"[5]:

38 (a) Possession of burning tobacco in the form of a cigarette, cigar, pipe or other
39 smoking equipment; **or**

40 (b) **Use of a vapor product;**

41 (8) **"Vapor product", the same meaning given to the term in section 407.925.**

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

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

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

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

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

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

14 (6) ~~Private residences; and~~

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

191.775. No person shall smoke or otherwise use tobacco, tobacco products, or vapor
2 products~~[, as such term is defined in section 407.925,]~~ in any indoor area of a public
3 elementary or secondary school building or educational facility, excluding institutions of
4 higher education, or on buses used solely to transport students to or from school or to
5 transport students to or from any place for educational purposes. Any school board of any
6 school district may set policy on the permissible uses of tobacco products or vapor products in
7 any other nonclassroom or nonstudent occupant facility, and on the school grounds or outdoor
8 facility areas as the school board deems proper.

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

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