
HOUSE BILL 3269

State of Washington 59th Legislature 2006 Regular Session

By Representatives Grant, Kessler, Buck, Kretz, Newhouse, B. Sullivan and Dunn

Read first time 01/30/2006. Referred to Committee on Health Care.

1 AN ACT Relating to allowing designated smoking rooms in public
2 places; and amending RCW 70.160.020, 70.160.030, and 70.160.075.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 70.160.020 and 2006 c 2 s 2 (Initiative Measure No.
5 901) are each amended to read as follows:

6 As used in this chapter, the following terms have the meanings
7 indicated unless the context clearly indicates otherwise.

8 (1) "Smoke" or "smoking" means the carrying or smoking of any kind
9 of lighted pipe, cigar, cigarette, or any other lighted smoking
10 equipment.

11 (2) "Public place" means that portion of any building or vehicle
12 used by and open to the public, regardless of whether the building or
13 vehicle is owned in whole or in part by private persons or entities,
14 the state of Washington, or other public entity, and regardless of
15 whether a fee is charged for admission, and includes a presumptively
16 reasonable minimum distance, as set forth in RCW 70.160.075, of twenty-
17 five feet from entrances, exits, windows that open, and ventilation
18 intakes that serve an enclosed area where smoking is prohibited. A

1 public place does not include a private residence unless the private
2 residence is used to provide licensed child care, foster care, adult
3 care, or other similar social service care on the premises.

4 Public places include, but are not limited to: Schools, elevators,
5 public conveyances or transportation facilities, museums, concert
6 halls, theaters, auditoriums, exhibition halls, indoor sports arenas,
7 hospitals, nursing homes, health care facilities or clinics, enclosed
8 shopping centers, retail stores, retail service establishments,
9 financial institutions, educational facilities, ticket areas, public
10 hearing facilities, state legislative chambers and immediately adjacent
11 hallways, public restrooms, libraries, restaurants, waiting areas,
12 lobbies, bars, taverns, bowling alleys, skating rinks, casinos,
13 reception areas, and no less than seventy-five percent of the sleeping
14 quarters within a hotel or motel that are rented to guests. A public
15 place does not include a smoking room or a private residence. This
16 chapter is not intended to restrict smoking in private facilities which
17 are occasionally open to the public except upon the occasions when the
18 facility is open to the public.

19 (3) "Place of employment" means any area under the control of a
20 public or private employer which employees are required to pass through
21 during the course of employment, including, but not limited to:
22 Entrances and exits to the places of employment, and including a
23 presumptively reasonable minimum distance, as set forth in RCW
24 70.160.075, of twenty-five feet from entrances, exits, windows that
25 open, and ventilation intakes that serve an enclosed area where smoking
26 is prohibited; work areas; restrooms; conference and classrooms; break
27 rooms and cafeterias; and other common areas. A private residence or
28 home-based business, unless used to provide licensed child care, foster
29 care, adult care, or other similar social service care on the premises,
30 is not a place of employment.

31 (4) "Smoking room" means a room in a public place designated as a
32 smoking room in which persons under the age of eighteen are prohibited
33 and in which smoking is permitted. Smoking rooms must meet the
34 ventilation requirements of federal and state laws, rules, and
35 regulations.

36 **Sec. 2.** RCW 70.160.030 and 2006 c 2 s 3 (Initiative Measure No.
37 901) are each amended to read as follows:

1 (1) Except as provided in subsection (2) of this section, no person
2 may smoke in a public place or in any place of employment.

3 (2)(a) A person may smoke in a smoking room.

4 (b) Employees may not be required to enter a smoking room in the
5 course of their employment.

6 **Sec. 3.** RCW 70.160.075 and 2006 c 2 s 6 (Initiative Measure No.
7 901) are each amended to read as follows:

8 Except as provided in RCW 70.160.030(2), smoking is prohibited
9 within a presumptively reasonable minimum distance of twenty-five feet
10 from entrances, exits, windows that open, and ventilation intakes that
11 serve an enclosed area where smoking is prohibited so as to ensure that
12 tobacco smoke does not enter the area through entrances, exits, open
13 windows, or other means. Owners, operators, managers, employers, or
14 other persons who own or control a public place or place of employment
15 may seek to rebut the presumption that twenty-five feet is a reasonable
16 minimum distance by making application to the director of the local
17 health department or district in which the public place or place of
18 employment is located. The presumption will be rebutted if the
19 applicant can show by clear and convincing evidence that, given the
20 unique circumstances presented by the location of entrances, exits,
21 windows that open, ventilation intakes, or other factors, smoke will
22 not infiltrate or reach the entrances, exits, open windows, or
23 ventilation intakes or enter into such public place or place of
24 employment and, therefore, the public health and safety will be
25 adequately protected by a lesser distance.

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