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HOUSE BILL 1956

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State of Washington                      58th Legislature                      2003 Regular Session

By Representative Moeller

Read first time 02/18/2003. Referred to Committee on Health Care.

1            AN ACT Relating to indoor air quality; and amending RCW 70.160.020,  
2            70.160.040, and 70.05.060.

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

4            **Sec. 1.** RCW 70.160.020 and 1985 c 236 s 2 are each amended to read  
5            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.

16           Public places include, but are not limited to: Elevators, public  
17           conveyances or transportation facilities, museums, concert halls,  
18           theaters, auditoriums, exhibition halls, indoor sports arenas,  
19           hospitals, nursing homes, health care facilities or clinics, enclosed

1 shopping centers, retail stores, retail service establishments,  
2 financial institutions, educational facilities, ticket areas, public  
3 hearing facilities, state legislative chambers and immediately adjacent  
4 hallways, public restrooms, libraries, (~~restaurants,~~) waiting areas,  
5 lobbies, and reception areas. A public place does not include a  
6 private residence. A public place does not include a restaurant. This  
7 chapter is not intended to restrict smoking in private facilities which  
8 are occasionally open to the public except upon the occasions when the  
9 facility is open to the public.

10 ~~((3) "Restaurant" means any building, structure, or area used,  
11 maintained, or advertised as, or held out to the public to be, an  
12 enclosure where meals are made available to be consumed on the  
13 premises, for consideration of payment.))~~

14 **Sec. 2.** RCW 70.160.040 and 1985 c 236 s 4 are each amended to read  
15 as follows:

16 (1) A smoking area may be designated in a public place by the owner  
17 or, in the case of a leased or rented space, by the lessee or other  
18 person in charge except in:

19 (a) Elevators; buses, except for private hire; streetcars; taxis,  
20 except those clearly and visibly designated by the owner to permit  
21 smoking; public areas of retail stores and lobbies of financial  
22 institutions; office reception areas and waiting rooms of any building  
23 owned or leased by the state of Washington or by any city, county, or  
24 other municipality in the state of Washington; museums; public meetings  
25 or hearings; classrooms and lecture halls of schools, colleges, and  
26 universities; and the seating areas and aisle ways which are contiguous  
27 to seating areas of concert halls, theaters, auditoriums, exhibition  
28 halls, and indoor sports arenas; and

29 (b) Hallways of health care facilities, with the exception of  
30 nursing homes, and lobbies of concert halls, theaters, auditoriums,  
31 exhibition halls, and indoor sports arenas, if the area is not  
32 physically separated. Owners or other persons in charge are not  
33 required to incur any expense to make structural or other physical  
34 modifications in providing these areas.

35 Except as provided in other provisions of this chapter, no public  
36 place, other than a bar, tavern, bowling alley, tobacco shop, or  
37 restaurant, may be designated as a smoking area in its entirety. If a

1 bar(~~(7)~~) or tobacco shop(~~(7 or restaurant)~~) is designated as a smoking  
2 area in its entirety, this designation shall be posted conspicuously on  
3 all entrances normally used by the public.

4 (2) Where smoking areas are designated, existing physical barriers  
5 and ventilation systems shall be used to minimize the toxic effect of  
6 smoke in adjacent nonsmoking areas.

7 ~~(3) ((Managers of restaurants who choose to provide smoking areas  
8 shall designate an adequate amount of seating to meet the demands of  
9 restaurant patrons who wish to smoke. Owners of restaurants are not  
10 required to incur any expense to make structural or other physical  
11 modifications in providing these areas. Restaurant patrons shall be  
12 informed that separate smoking and nonsmoking sections are available.~~

13 ~~(4))~~ Except as otherwise provided in this chapter, a facility or  
14 area may be designated in its entirety as a nonsmoking area by the  
15 owner or other person in charge.

16 **Sec. 3.** RCW 70.05.060 and 1991 c 3 s 308 are each amended to read  
17 as follows:

18 Each local board of health shall have supervision over all matters  
19 pertaining to the preservation of the life and health of the people  
20 within its jurisdiction and shall:

21 (1) Enforce through the local health officer or the administrative  
22 officer appointed under RCW 70.05.040, if any, the public health  
23 statutes of the state and rules (~~(promulgated)~~) adopted by the state  
24 board of health and the secretary of health;

25 (2) Supervise the maintenance of all health and sanitary measures  
26 for the protection of the public health within its jurisdiction;

27 (3) Enact such local rules and regulations as are necessary in  
28 order to preserve, promote, and improve the public health and provide  
29 for the enforcement thereof;

30 (4) Enact local rules as may be necessary to regulate smoking in  
31 restaurants;

32 (5) Provide for the control and prevention of any dangerous,  
33 contagious or infectious disease within the jurisdiction of the local  
34 health department;

35 ~~((+5))~~ (6) Provide for the prevention, control, and abatement of  
36 nuisances detrimental to the public health;

1        (~~(6)~~) (7) Make such reports to the state board of health through  
2 the local health officer or the administrative officer as the state  
3 board of health may require; and

4        (~~(7)~~) (8) Establish fee schedules for issuing or renewing  
5 licenses or permits or for such other services as are authorized by the  
6 law and the rules of the state board of health: PROVIDED, That such  
7 fees for services shall not exceed the actual cost of providing any  
8 such services.

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