
HOUSE BILL 1109

State of Washington 59th Legislature 2005 Regular Session

By Representatives Kirby and Chase

Read first time 01/14/2005. Referred to Committee on Health Care.

1 AN ACT Relating to designated smoking area requirements; and
2 amending RCW 70.160.040 and 70.160.050.

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

4 **Sec. 1.** RCW 70.160.040 and 1985 c 236 s 4 are each amended to read
5 as follows:

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

9 (a) Elevators; buses, except for private hire; streetcars; taxis,
10 except those clearly and visibly designated by the owner to permit
11 smoking; public areas of retail stores and lobbies of financial
12 institutions; office reception areas and waiting rooms of any building
13 owned or leased by the state of Washington or by any city, county, or
14 other municipality in the state of Washington; museums; public meetings
15 or hearings; classrooms and lecture halls of schools, colleges, and
16 universities; and the seating areas and aisle ways which are contiguous
17 to seating areas of concert halls, theaters, auditoriums, exhibition
18 halls, and indoor sports arenas; and

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

7 Except as provided in other provisions of this chapter, no public
8 place, other than a bar, tavern, bowling alley, card room, tobacco
9 shop, or restaurant, may be designated as a smoking area in its
10 entirety. If a bar, tobacco shop, or restaurant is designated as a
11 smoking area in its entirety, this designation shall be posted
12 conspicuously on all entrances normally used by the public.

13 (2) Where smoking areas are designated, (~~existing~~) physical
14 barriers and ventilation systems shall be used to minimize the toxic
15 effect of smoke in adjacent nonsmoking areas. In nonsmoking areas,
16 nitrogen dioxide and hydrogen cyanide levels shall not exceed twenty
17 parts per million.

18 (3) Managers of restaurants who choose to provide smoking areas
19 shall designate an adequate amount of seating to meet the demands of
20 restaurant patrons who wish to smoke. Owners of restaurants are not
21 required to incur any expense to make structural or other physical
22 modifications in providing these areas. Restaurant patrons shall be
23 informed that separate smoking and nonsmoking sections are available.

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

27 (5) A person under the age of eighteen is not allowed in the
28 designated smoking area of a bar, tavern, bowling alley, or restaurant.

29 **Sec. 2.** RCW 70.160.050 and 1985 c 236 s 5 are each amended to read
30 as follows:

31 (1) Owners, or in the case of a leased or rented space the lessee
32 or other person in charge, of a place regulated under this chapter
33 shall make every reasonable effort to prohibit smoking in public places
34 by posting signs prohibiting or permitting smoking as appropriate under
35 this chapter. Signs shall be posted conspicuously at each building
36 entrance. In the case of retail stores and retail service
37 establishments, signs shall be posted conspicuously at each entrance

1 and in prominent locations throughout the place. The boundary between
2 a nonsmoking area and a smoking permitted area shall be clearly
3 designated so that persons may differentiate between the two areas.

4 (2) An employer shall disclose to a prospective employee that all
5 or a portion of the establishment that the prospective employee would
6 work at is a designated smoking area.

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