
SENATE BILL 6667

State of Washington

59th Legislature

2006 Regular Session

By Senators McCaslin and Deccio

Read first time 01/18/2006. Referred to Committee on Labor, Commerce, Research & Development.

1 AN ACT Relating to smoking near public places or places of
2 employment; and amending RCW 70.160.020 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
17 (~~twenty-five~~) ten feet from entrances, exits, windows that open, and
18 ventilation intakes that serve an enclosed area where smoking is

1 prohibited. A public place does not include a private residence unless
2 the private residence is used to provide licensed child care, foster
3 care, adult 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 private residence. This chapter is not
16 intended to restrict smoking in private facilities which are
17 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~~) ten feet from entrances, exits, windows
25 that open, and ventilation intakes that serve an enclosed area where
26 smoking is prohibited; work areas; restrooms; conference and
27 classrooms; break rooms and cafeterias; and other common areas. A
28 private residence or home-based business, unless used to provide
29 licensed child care, foster care, adult care, or other similar social
30 service care on the premises, is not a place of employment.

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

33 Smoking is prohibited within a presumptively reasonable minimum
34 distance of (~~twenty-five~~) ten feet from entrances, exits, windows
35 that open, and ventilation intakes that serve an enclosed area where
36 smoking is prohibited so as to ensure that tobacco smoke does not enter
37 the area through entrances, exits, open windows, or other means.

1 Owners, operators, managers, employers, or other persons who own or
2 control a public place or place of employment may seek to rebut the
3 presumption that (~~twenty-five~~) ten feet is a reasonable minimum
4 distance by making application to the director of the local health
5 department or district in which the public place or place of employment
6 is located. The presumption will be rebutted if the applicant can show
7 by clear and convincing evidence that, given the unique circumstances
8 presented by the location of entrances, exits, windows that open,
9 ventilation intakes, or other factors, smoke will not infiltrate or
10 reach the entrances, exits, open windows, or ventilation intakes or
11 enter into such public place or place of employment and, therefore, the
12 public health and safety will be adequately protected by a lesser
13 distance.

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