

HOUSE BILL NO. 304

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES SALMON, Buch

Introduced: 1/19/10

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to smoking."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** AS 18.35.300 is repealed and reenacted to read:

4 **Sec. 18.35.300. Places where smoking is regulated.** Smoking in any form is a
5 nuisance and a public health hazard and is prohibited in the following vehicles and
6 indoor places, except as allowed under AS 18.35.310:

7 (1) a vehicle of public transportation and a waiting, baggage, or
8 boarding area for a vehicle of public transportation, including a bus, ferry vessel, train,
9 limousine for hire, taxicab, or scheduled interstate or intrastate aircraft flight when
10 consistent with federal law;

11 (2) a courtroom or jury deliberation room;

12 (3) a room, chamber, or other place under the control of the state
13 senate or state house of representatives while a public meeting or public assembly is
14 not in progress;

15 (4) a nursing home, rest home, or other residential health care

1 institution or facility, or a public or private office or facility that is engaged primarily
2 in providing mental health services;

3 (5) a place of employment;

4 (6) a correctional facility;

5 (7) the Alaska Pioneers' Home or the Alaska Veterans' Home; and

6 (8) in an enclosed public place.

7 *** Sec. 2.** AS 18.35.310(a) is repealed and reenacted to read:

8 (a) Notwithstanding AS 18.35.300, a person may smoke if the owner of the
9 premises allows smoking

10 (1) in a private residence during the time that the residence is not

11 (A) being used as a place of employment;

12 (B) open for use as an adult day care or health care facility

13 licensed by the state;

14 (2) in a private club that is not licensed for the sale of alcoholic
15 beverages under state law and is not a place of employment; however, if the private
16 club is used for a purpose, event, or function to which the general public is invited,
17 smoking is prohibited.

18 *** Sec. 3.** AS 18.35.365 is amended by adding new paragraphs to read:

19 (3) "enclosed public space" means an enclosed area or portion of an
20 enclosed area to which the public is invited or into which the public is permitted; in
21 this paragraph, "area" includes

22 (A) a retail store, shop, bank, laundromat, garage, salon, or
23 other business selling goods or services;

24 (B) the waiting room and office of a business providing legal,
25 medical, dental, engineering, accounting, or other professional services;

26 (C) a hotel, motel, boardinghouse, hostel, or bed and breakfast
27 facility, except rooms in which smoking is allowed by the owner;

28 (D) a postsecondary university, college, school, or commercial
29 training facility or adult day care facility;

30 (E) an arcade, bingo hall, pull-tab parlor, or other place of
31 entertainment;

1 (F) a health club, dance studio, aerobics club, or other exercise
2 facility;

3 (G) a facility that is primarily used for exhibiting a motion
4 picture, stage, lecture, musical recital, or similar performance;

5 (H) a public area of a fish hatchery, gallery, library, or
6 museum;

7 (I) an area that is being used as an election polling place;

8 (J) a restroom, lobby, reception area, waiting room, hallway, or
9 other common-use area, including a restroom, lobby, reception area, waiting
10 room, hallway, or other common-use area in an apartment building,
11 condominium, trailer park, retirement facility, nursing home, or other multiple-
12 unit residential facility;

13 (K) a restaurant, coffee shop, cafeteria, sandwich stand, private
14 or public school cafeteria, or other eating establishment that offers food for
15 sale, including a kitchen or catering facility in which food is prepared for
16 serving off of the premises;

17 (L) a sports or exercise facility, including a sports pavilion,
18 gymnasium, health spa, boxing arena, swimming pool, pool hall, billiard
19 parlor, roller or ice rink, bowling alley, or similar place where members of the
20 public assemble to engage in physical exercise, participate in athletic
21 competition, or witness sports events;

22 (M) a line in which two or more persons are waiting for or
23 receiving goods or services of any kind, whether or not in exchange for money;

24 (N) an area used for and during the course of meetings subject
25 to AS 44.62.310 and 44.62.312; and

26 (O) a bar, private club, or other enclosed place where alcoholic
27 beverages are sold or food is offered for sale;

28 (4) "place of employment" means an area or a vehicle under the
29 control of an employer normally used by employees in the course of employment,
30 including a work area, private office, employee lounge, restroom, conference room,
31 classroom, cafeteria, elevator, stairway, and hallway;

1 (5) "private club" means an organization, whether incorporated or
2 unincorporated, that is the owner, lessee, or occupant of a building or portion of a
3 building used for club purposes, including a recreational, fraternal, social, patriotic,
4 political, benevolent, athletic, or other purpose.

5 * **Sec. 4.** AS 18.35.320 and 18.35.330(b) are repealed.