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Referred: Health, Education &
Social Services and Judiciary

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1 IN THE HOUSE
2 HOUSE BILL NO. 129 *am (rules)*
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act limiting tobacco smoking in public places,
7 vehicles or other passenger-carrying common carriers."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 18.35 is amended by adding new sections to read:

10 ARTICLE 4. HEALTH NUISANCES.

11 Sec. 18.35.300. TOBACCO SMOKING IN PUBLIC PLACES, VEHICLES PRO-
12 HIBITED. Smoking tobacco in any form in any one of the following places
13 or vehicles used by or open to the public creates a public nuisance
14 dangerous to the public health and is prohibited:

- 15 (1) a train, plane, ferry, bus, taxi, courtesy car or any
16 other passenger-carrying common carrier;
- 17 (2) a library, indoor theater, museum, lecture or concert
18 hall, gymnasium, swimming pool, bowling alley, or other place of public
19 entertainment or recreation;
- 20 (3) a state or municipal office building, a public school, or
21 in a room, chamber, place of meeting or public assembly under the control
22 of the state, or a municipality, or department or agency of either, while
23 a public meeting is in progress;
- 24 (4) the public waiting room of a physician, dentist, phycho-
25 logist, physiotherapist, podiatrist, chiropractor, optometrist, optician,
26 or any other practitioner of the healing arts;
- 27 (5) the public waiting room of laboratories associated with
28 health care or the healing arts; or
- 29 (6) the waiting room, rest room, lobby or hallway of a

FCS SES CS -1- HB 129 *am (rules)*

1 hospital, nursing home, rest home or other health care institution or
2 facility; or, in a room of a hospital, nursing home, rest home or
3 other health care institution or facility in which more than one
4 patient is accommodated, unless all patients are in agreement that
5 smoking is permitted.

6 Sec. 18.35.310. EXEMPTIONS. Smoking in the places or vehicles
7 set out in sec. 300 of this chapter is permitted if

8 (1) the smoking is confined to areas which are kept separate
9 and are specifically designated as smoking areas;

10 (2) the place, vehicle or passenger-carrying common carrier
11 is being used for a private gathering or affair which is privately
12 sponsored and is not open to the general public; or

13 (3) the smoking is done by performers upon the stage as part
14 of a theatrical production.

15 Sec. 18.35.320. DISPLAY OF SMOKING PROHIBITED SIGNS. Every owner,
16 manager, proprietor or other person who has control of a place or
17 vehicle set out in sec. 300 of this chapter shall conspicuously display
18 in the place or vehicle a sign reading "Smoking Prohibited by Law".

19 Sec. 18.35.330. REGULATIONS. The Department of Health and Social
20 Services shall promulgate regulations implementing secs. 300 - 320 of
21 this chapter.

22 Sec. 18.35.340. PENALTIES. (a) A person who violates the
23 provisions of sec. 300 of this chapter is guilty of a misdemeanor and
24 is punishable by a fine of not less than \$10 nor more than \$100 for each
25 offense.

26 (b) A person who violates sec. 320 of this chapter is guilty of
27 a misdemeanor and is punishable by a fine of not less than \$100 nor more
28 than \$300 for each offense. Each day a violation continues constitutes
29 a separate offense.

1 Sec. 18.35.350. DEFINITIONS. In secs. 300 - 340 of this chapter
2 "smoke" or "smoking" tobacco means the carrying or possession of a
3 lighted pipe, lighted cigar, or lighted cigarette of any kind, or other
4 lighted smoking material, or the lighting of it.

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