

Original sponsor: Miller, Anderson,
Beirne, et al

Offered: 3/10/75
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 129

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 and
7 vehicles."

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 may constitute a nuisance and be
13 dangerous to the public health, and is prohibited in the following
14 areas, unless otherwise exempted by this chapter:

15 (1) a motor vehicle, train, watercraft or other transporta-
16 tion mechanism, which carries passengers for hire;

17 (2) a publicly owned and operated library, indoor theater,
18 museum, lecture or concert hall, gymnasium, swimming pool, or other
19 indoor publicly owned and operated place of 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

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 other
3 health care institution or facility in which more than one patient is
4 accommodated, unless all patients residing or hospitalized in that room
5 are in agreement that smoking is permitted.

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

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

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

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

15 (4) the passenger carriers found in sec. 300(1) when all
16 passengers consent; or

17 (5) the department has exempted the building or room on the
18 basis that it is sufficiently well-ventilated by natural or mechanical
19 means.

20 Sec. 18.35.320. SMOKING AREAS PROVIDED. (a) In any building
21 covered by sec. 300(2), (3) or (6), reasonable smoking areas must be
22 provided, unless prohibited for the protection and preservation of the
23 building or its contents.

24 (b) To the extent practicable, the state shall require any of
25 its lessees or sublessees to provide separate smoking areas.

26 Sec. 18.35.330. DISPLAY OF SMOKING PROHIBITED SIGNS. Every
27 owner, manager, proprietor or other person who has control of a place
28 or vehicle set out in sec. 300 of this chapter shall conspicuously
29 display a sign conveying the message that smoking is prohibited by

1 law except in designated areas. The format of such signs shall be
2 approved by the department.

3 Sec. 18.35.340. REGULATIONS. The department may promulgate
4 regulations implementing secs. 300 - 330 of this chapter.

5 Sec. 18.35.350. PENALTIES. (a) A person who violates the pro-
6 visions of sec. 300 of this chapter is punishable by a civil fine of
7 not less than \$10 nor more than \$100 for each offense.

8 (b) A person who violates sec. 330 of this chapter is punishable
9 by a civil fine of not less than \$10 nor more than \$300 for each
10 offense.

11 Sec. 18.35.360. DEFINITIONS. In secs. 300 - 350 of this chapter

12 (1) "smoke" or "smoking" means the carrying or possession
13 of a lighted pipe, lighted cigar, or lighted cigarette of any kind,
14 or other lighted smoking material, or the lighting of it;

15 (2) "department" means the Department of Health and Social
16 Services;

17 (3) "publicly owned and operated" includes properties held,
18 used, or controlled by the state without reference to ownership, but
19 excludes facilities leased by the state to a private enterprise.
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