

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 am

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 smoking in public places and vehicles."
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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

9 ARTICLE 4. HEALTH NUISANCES.

10 Sec. 18.35.300. SMOKING IN PUBLIC PLACES, VEHICLES PROHIBITED.

11 Smoking in any form may constitute a nuisance and be dangerous to the
12 public health, and is prohibited in the following areas, unless other-
13 wise exempted by this chapter:

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

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

19 (3) a state or municipal office building, a public school, or
20 in a room, chamber, place of meeting or public assembly under the control
21 of the state, or a municipality, or department or agency of either,
22 while a public meeting is in progress;

23 (4) the public waiting room of laboratories associated with
24 health care or the healing arts;

25 (5) the waiting room, rest room, lobby or hallway of a
26 hospital, nursing home, rest home or other health care institution or
27 facility; or, in a room of a hospital, nursing home, rest home or other
28 health care institution or facility in which more than one patient is
29 accommodated, unless all patients residing or hospitalized in that room

1 are in agreement that smoking is permitted; or

2 (6) a place of business in which the owner, manager, pro-
3 prietor, or other person who has control of the premises posts a sign
4 conveying the message that smoking is prohibited by law; the format of
5 the sign shall be approved by the department.

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; or

20 (6) a municipality by ordinance exempts municipally owned
21 buildings from the provisions of secs 300 - 360 of this chapter.

22 Sec. 18.35.320. SMOKING AREAS PROVIDED. (a) In any building
23 covered by sec. 300(2), (3) or (5), reasonable smoking areas must be
24 provided, unless prohibited for the protection and preservation of the
25 building or its contents.

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

28 Sec. 18.35.330. DISPLAY OF SMOKING PROHIBITED SIGNS. Every
29 owner, manager, proprietor or other person who has control of a place
CSHB 129 am

1 or vehicle set out in sec. 300(1) - (5) of this chapter shall conspic-
2 uously display a sign conveying the message that smoking is prohibited
3 by law except in designated areas. The format of such signs shall be
4 approved by the department.

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

7 Sec. 18.35.350. PENALTIES. (a) A person who wilfully violates
8 the provisions of sec. 300 of this chapter is punishable by a civil fine
9 of not less than \$5 nor more than \$25 for each offense.

10 (b) A person who wilfully violates sec. 330 of this chapter is
11 punishable by a civil fine of not less than \$10 nor more than \$100 for
12 each offense.

13 (c) A person charged with a violation under secs. 300 - 320 of this
14 chapter is entitled to a trial by jury notwithstanding any other
15 provisions of law or judicial procedure.

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

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

20 (2) "department" means the Department of Health and Social
21 Services;

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