

1 IN THE HOUSE

BY THE FREE CONFERENCE COMMITTEE

2 FREE CONFERENCE CS FOR SENATE CS FOR 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 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. SMOKING IN PUBLIC PLACES, VEHICLES PROHIBITED.

12 Smoking in any form may constitute a nuisance and is prohibited in the
13 following areas, unless otherwise exempted by this chapter:

14 (1) a train, limousine for hire, bus, state-operated ferry
15 vessel, or elevator;

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

19 (3) a public school; or in a room, chamber, place of meeting
20 or public assembly under the control of the state, or a department or
21 agency of the state, while a public meeting held under the auspices of
22 the state, or a department or agency of the state, 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, restroom, lobby or hallway of a
26 hospital, nursing home, rest home or other health care institution or
27 facility; or

28 (6) a place of business in which the owner, manager, pro-
29 prietor, or other person who has control of the premises posts a sign

1 conveying the message that smoking is prohibited by law.

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

4 (1) the smoking is confined to areas which are specifically
5 designated as smoking areas;

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

9 (3) the smoking is done by performers upon the stage as part
10 of a theatrical production; or

11 (4) the state, or a department or agency of the state, has
12 exempted the building or room over which it has control on the basis
13 that the building or room is sufficiently well-ventilated by natural or
14 mechanical means.

15 Sec. 18.35.320. SMOKING AREAS PROVIDED. (a) In a building
16 covered by sec. 300(2), (3) or (5) of this chapter, reasonable smoking
17 areas must be provided, unless prohibited for the protection of the
18 public safety or the protection and preservation of the building and its
19 contents.

20 (b) To the extent practicable, the state shall require its lessees
21 or sublessees to provide separate smoking areas.

22 Sec. 18.35.330. DISPLAY OF SMOKING PROHIBITED SIGNS. Every owner,
23 manager, proprietor or other person who has control of a place or vehicle
24 set out in sec. 300(1) - (5) of this chapter shall conspicuously display
25 in the place or vehicle a sign reading "Smoking Prohibited by Law".

26 Sec. 18.35.340. PENALTIES. (a) A person who wilfully violates
27 the provisions of sec. 300 of this chapter is punishable by a civil fine
28 of not less than \$5 nor more than \$25 for each offense.

29 (b) A person who wilfully violates sec. 330 of this chapter is

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punishable by a civil fine of not less than \$10 nor more than \$100 for each offense.

(c) Punishment under this section shall be initiated only by civil complaint or citation. The court may establish procedures for payment of fines by mail.

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