

ASSEMBLY BILL NO. 502—ASSEMBLYMEN ANGLE, GUSTAVSON, FREEMAN,
PARKS, VON TOBEL, LESLIE, BUCKLEY, NOLAN, PRICE, GIBBONS, BERMAN,
HUMKE, DE BRAGA AND MORTENSON

MARCH 12, 1999

Referred to Committee on Judiciary

SUMMARY—Prohibits smoking of tobacco in all public areas of stores principally devoted to sale of food for human consumption off premises of store. (BDR 15-1538)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~for omitted material~~ is material to be omitted.

AN ACT relating to crimes; prohibiting smoking in all public areas of a store principally devoted to the sale of food for human consumption off the premises of the store; providing a penalty; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 202.2491 is hereby amended to read as follows:
2 202.2491 1. Except as otherwise provided in subsections ~~5 and 6,~~ **6**
3 **and 7,** the smoking of tobacco in any form is prohibited if done in any:
4 (a) Public elevator.
5 (b) Public building.
6 (c) Public waiting room, lobby or hallway of any:
7 (1) Medical facility or facility for the dependent as defined in chapter
8 449 of NRS; or
9 (2) Office of any chiropractor, dentist, physical therapist, physician,
10 podiatric physician, psychologist, optician, optometrist, doctor of Oriental
11 medicine or doctor of acupuncture.
12 (d) Hotel or motel when so designated by the operator thereof.
13 (e) ~~{Public area of a store principally devoted to the sale of food for~~
14 ~~human consumption off the premises, except in those areas leased to or~~
15 ~~operated by a person licensed pursuant to NRS 463.160.~~
16 ~~—(f)}~~ Child care facility.

1 ~~(g)~~ (f) Bus used by the general public, other than a chartered bus, or in
2 any maintenance facility or office associated with a bus system operated by
3 any regional transportation commission.

4 ~~(h)~~ (g) School bus.

5 2. *The smoking of tobacco in any form is prohibited if done in a*
6 *public area of a store principally devoted to the sale of food for human*
7 *consumption off the premises, including, without limitation, those areas*
8 *leased to or operated by a person licensed pursuant to NRS 463.160. The*
9 *person in control of a public area of such a store shall post in the area*
10 *signs prohibiting smoking.*

11 3. The person in control of an area listed in paragraph (c), (d), ~~(e), (f)~~
12 ~~or (g)~~ (e) or (f) of subsection 1:

13 (a) Shall post in the area signs prohibiting smoking in any place not
14 designated for that purpose as provided in paragraph (b).

15 (b) May designate separate rooms or portions of the area which may be
16 used for smoking.

17 ~~(3.)~~ 4. The person in control of a public building:

18 (a) Shall post in the area signs prohibiting smoking in any place not
19 designated for that purpose as provided in paragraph (b).

20 (b) Shall, except as otherwise provided in this subsection, designate a
21 separate area which may be used for smoking.

22 A school district which prohibits the use of tobacco by pupils need not
23 designate an area which may be used by the pupils to smoke.

24 ~~(4.)~~ 5. The operator of a restaurant with a seating capacity of 50 or
25 more shall maintain a flexible nonsmoking area within the restaurant and
26 offer each patron the opportunity to be seated in a smoking or nonsmoking
27 area.

28 ~~(5.—A)~~

29 6. *Except as otherwise provided in subsection 2, a* business which
30 derives more than 50 percent of its gross receipts from the sale of alcoholic
31 beverages or 50 percent of its gross receipts from gaming operations may
32 be designated as a smoking area in its entirety by the operator of the
33 business.

34 ~~(6.—The)~~

35 7. *Except as otherwise provided in subsection 2, the* smoking of
36 tobacco is not prohibited in:

37 (a) Any room or area designated for smoking pursuant to paragraph (b)
38 of subsection ~~(2)~~ 3 or paragraph (b) of subsection ~~(3.)~~ 4.

39 (b) A licensed gaming establishment. A licensed gaming establishment
40 may designate separate rooms or areas within the establishment which may
41 or may not be used for smoking.

1 ~~[7-]~~ 8. The person in control of a child care facility shall not allow
2 children in any room or area he designates for smoking pursuant to
3 paragraph (b) of subsection ~~[2-]~~ 3. Any such room or area must be
4 sufficiently separate or ventilated so that there are no irritating or toxic
5 effects of smoke in the other areas of the facility.

6 ~~[8-]~~ 9. As used in this section:

7 (a) "Child care facility" means an establishment licensed pursuant to
8 chapter 432A of NRS to provide care for 13 or more children.

9 (b) "Licensed gaming establishment" has the meaning ascribed to it in
10 NRS 463.0169.

11 (c) "Public building" means any building or office space owned or
12 occupied by:

13 (1) Any component of the University and Community College
14 System of Nevada and used for any purpose related to the system.

15 (2) The State of Nevada and used for any public purpose, other than
16 that used by the department of prisons to house or provide other services to
17 offenders.

18 (3) Any county, city, school district or other political subdivision of
19 the state and used for any public purpose.

20 If only part of a building is owned or occupied by an entity described in
21 this paragraph, the term means only that portion of the building which is so
22 owned or occupied.

23 (d) "School bus" has the meaning ascribed to it in NRS 483.160.

24 **Sec. 2.** NRS 202.2494 is hereby amended to read as follows:

25 202.2494 1. A cigarette vending machine must not be placed in a
26 public area described in paragraph (a), (c), (e), ~~[(f), (g) or (h)]~~ (f) or (g) of
27 subsection 1 of NRS 202.2491 ~~[H]~~ or subsection 2 of NRS 202.2491, if
28 minors are permitted access to that area.

29 2. A coin-operated vending machine containing cigarettes must not be
30 used to dispense any product not made from tobacco.

31 **Sec. 3.** The amendatory provisions of this act do not apply to offenses
32 that were committed before October 1, 1999.