

SENATE BILL NO. 421—COMMITTEE ON JUDICIARY

(ON BEHALF OF RETAIL ASSOCIATION OF NEVADA)

MARCH 15, 1999

Referred to Committee on Judiciary

SUMMARY—Establishes requirements concerning configuration and ventilation for areas where gaming and smoking are permitted in certain grocery stores. (BDR 15-1267)

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 public health; establishing requirements concerning configuration and ventilation for areas where gaming and smoking are permitted in certain grocery stores; 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,~~
- 3 **6 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) Bus used by the general public, other than a chartered bus, or in any
2 maintenance facility or office associated with a bus system operated by any
3 regional transportation commission.

4 (h) School bus.

5 2. The person in control of an area listed in paragraph (c), (d), (e), (f)
6 or (g) of subsection 1:

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

9 (b) May designate separate rooms or portions of the area which may be
10 used for smoking **H**, *except for a room or portion of the area of a store*
11 *described in paragraph (e) of subsection 1 if the room or portion of the*
12 *area:*

13 *(1) Is leased to or operated by a person licensed pursuant to NRS*
14 *463.160; and*

15 *(2) Does not otherwise qualify for an exemption set forth in*
16 *subsection 7.*

17 3. 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. The operator of a restaurant with a seating capacity of 50 or more
25 shall maintain a flexible nonsmoking area within the restaurant and offer
26 each patron the opportunity to be seated in a smoking or nonsmoking area.

27 5. A business which derives more than 50 percent of its gross receipts
28 from the sale of alcoholic beverages or 50 percent of its gross receipts from
29 gaming operations may be designated as a smoking area in its entirety by
30 the operator of the business.

31 6. The smoking of tobacco is not prohibited in:

32 (a) Any room or area designated for smoking pursuant to paragraph (b)
33 of subsection 2 or paragraph (b) of subsection 3.

34 (b) A licensed gaming establishment. A licensed gaming establishment
35 may designate separate rooms or areas within the establishment which may
36 or may not be used for smoking.

37 7. *For stores described in paragraph (e) of subsection 1, the smoking*
38 *of tobacco is not prohibited in any public area leased to or operated by a*
39 *person licensed pursuant to NRS 463.160 if:*

40 *(a) The store was constructed before October 1, 1999;*

41 *(b) The local governing body having the authority to give final*
42 *approval for construction of the store gave such final approval before*
43 *October 1, 1999;*

1 (c) *The entire interior public area of the store is 10,000 square feet or*
2 *less; or*

3 (d) *The area leased to or operated by a person licensed pursuant to*
4 *NRS 463.160:*

5 (1) *Is segregated from the other public areas of the store by two or*
6 *more walls or partial walls, or any combination thereof, in a*
7 *configuration that includes at least one corner; and*

8 (2) *Contains a method of ventilation which substantially removes*
9 *smoke from the area.*

10 *For the purposes of this paragraph, a “wall” or “partial wall” may*
11 *include, without limitation, one or more gaming devices, as defined in*
12 *NRS 463.0155, if the gaming devices are configured together or in*
13 *conjunction with other structures to create a barrier that is similar to a*
14 *wall or partial wall.*

15 8. The person in control of a child care facility shall not allow children
16 in any room or area he designates for smoking pursuant to paragraph (b) of
17 subsection 2. Any such room or area must be sufficiently separate or
18 ventilated so that there are no irritating or toxic effects of smoke in the
19 other areas of the facility.

20 ~~18.~~ 9. As used in this section:

21 (a) “Child care facility” means an establishment licensed pursuant to
22 chapter 432A of NRS to provide care for 13 or more children.

23 (b) “Licensed gaming establishment” has the meaning ascribed to it in
24 NRS 463.0169.

25 (c) “Public building” means any building or office space owned or
26 occupied by:

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

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

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

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

37 (d) “School bus” has the meaning ascribed to it in NRS 483.160.

38 **Sec. 2.** The amendatory provisions of this act do not apply to offenses
39 that were committed before October 1, 1999.