

ASSEMBLY BILL NO. 159—ASSEMBLYMAN PRICE

FEBRUARY 15, 2001

Referred to Committee on Judiciary

SUMMARY—Requires gaming establishments to designate smoking and nonsmoking areas for each eating and gaming area. (BDR 15-874)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: No.

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

AN ACT relating to crimes; requiring gaming establishments to designate smoking and nonsmoking areas for each eating and gaming area; 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 and
3 NRS 202.24915, the smoking of tobacco in any form is prohibited if done
4 in any:
5 (a) Public elevator.
6 (b) Public building.
7 (c) Public waiting room, lobby or hallway of any:
8 (1) Medical facility or facility for the dependent as defined in chapter
9 449 of NRS; or
10 (2) Office of any chiropractor, dentist, physical therapist, physician,
11 podiatric physician, psychologist, optician, optometrist, doctor of Oriental
12 medicine or doctor of acupuncture.
13 (d) Hotel or motel when so designated by the operator thereof.
14 (e) Public area of a store principally devoted to the sale of food for
15 human consumption off the premises.
16 (f) Child care facility.
17 (g) Bus used by the general public, other than a chartered bus, or in any
18 maintenance facility or office associated with a bus system operated by any
19 regional transportation commission.
20 (h) School bus.
21 2. The person in control of an area listed in paragraph (c), (d), (e), (f)
22 or (g) of subsection 1:



- 1 (a) Shall post in the area signs prohibiting smoking in any place not
2 designated for that purpose as provided in paragraph (b).
- 3 (b) May designate separate rooms or portions of the area which may be
4 used for smoking, except for a room or portion of the area of a store
5 described in paragraph (e) of subsection 1 if the room or portion of the
6 area:
- 7 (1) Is leased to or operated by a person licensed pursuant to NRS
8 463.160; and
- 9 (2) Does not otherwise qualify for an exemption set forth in NRS
10 202.24915.
- 11 3. The person in control of a public building:
- 12 (a) Shall post in the area signs prohibiting smoking in any place not
13 designated for that purpose as provided in paragraph (b).
- 14 (b) Shall, except as otherwise provided in this subsection, designate a
15 separate area which may be used for smoking.
- 16 A school district which prohibits the use of tobacco by pupils need not
17 designate an area which may be used by the pupils to smoke.
- 18 4. The operator of a restaurant with a seating capacity of 50 or more
19 shall maintain a flexible nonsmoking area within the restaurant and offer
20 each patron the opportunity to be seated in a smoking or nonsmoking area.
- 21 5. ~~1A~~ *Except as otherwise provided in subsection 6, a* business which
22 derives more than 50 percent of its gross receipts from the sale of alcoholic
23 beverages or 50 percent of its gross receipts from gaming operations may
24 be designated as a smoking area in its entirety by the operator of the
25 business.
- 26 6. The smoking of tobacco is not prohibited in:
- 27 (a) Any room or area designated for smoking pursuant to paragraph (b)
28 of subsection 2 or paragraph (b) of subsection 3 ~~1A~~; *or*
- 29 (b) A licensed gaming establishment ~~1A~~, *except that a* licensed
30 gaming establishment ~~may~~ *shall* designate *a* separate ~~rooms or areas~~
31 *room or area* within *each eating area and gaming area of* the
32 establishment which may ~~for may not~~ be used for smoking ~~1A~~ *and another*
33 *room or area within each eating area and gaming area of the*
34 *establishment which may not be used for smoking.*
- 35 7. The person in control of a child care facility shall not allow children
36 in any room or area he designates for smoking pursuant to paragraph (b) of
37 subsection 2. Any such room or area must be sufficiently separate or
38 ventilated so that there are no irritating or toxic effects of smoke in the
39 other areas of the facility.
- 40 8. As used in this section:
- 41 (a) "Child care facility" means an establishment licensed pursuant to
42 chapter 432A of NRS to provide care for 13 or more children.
- 43 (b) "Licensed gaming establishment" has the meaning ascribed to it in
44 NRS 463.0169.
- 45 (c) "Public building" means any building or office space owned or
46 occupied by:
- 47 (1) Any component of the University and Community College
48 System of Nevada and used for any purpose related to the system.



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

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

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

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

10 **Sec. 2.** The amendatory provisions of this act do not apply to offenses
11 committed before October 1, 2001.

