

ASSEMBLY BILL NO. 362—ASSEMBLYMAN MARVEL (BY REQUEST)

MARCH 14, 2001

Referred to Committee on Judiciary

SUMMARY—Revises provisions regarding smoking of tobacco in public areas.  
(BDR 15-1266)

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 tobacco; revising provisions concerning the smoking of tobacco in certain public areas; revising provisions governing the location of cigarette vending machines; 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         *(i) Public area designated for use by children by a county, city or*  
22     *town.*



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



1 (3) Any county, city, school district or other political subdivision of  
2 the state and used for any public purpose.  
3 If only part of a building is owned or occupied by an entity described in  
4 this paragraph, the term means only that portion of the building which is so  
5 owned or occupied.  
6 (d) "School bus" has the meaning ascribed to it in NRS 483.160.  
7 **Sec. 2.** NRS 202.2494 is hereby amended to read as follows:  
8 202.2494 1. A cigarette vending machine must not be placed in a  
9 public area described in paragraph (a), (c), (e), (f), (g) , ~~to~~ (h) *or (i)* of  
10 subsection 1 of NRS 202.2491, if minors are permitted access to that area.  
11 2. A coin-operated vending machine containing cigarettes must not be  
12 used to dispense any product not made from tobacco.  
13 **Sec. 3.** The amendatory provisions of this act do not apply to offenses  
14 committed before the effective date of this act.  
15 **Sec. 4.** This act becomes effective upon passage and approval.

