

SENATE BILL NO. 258—COMMITTEE ON JUDICIARY

FEBRUARY 27, 2001

Referred to Committee on Judiciary

SUMMARY—Authorizes state agencies and local governments to adopt more stringent restrictions governing tobacco and products made from tobacco than restrictions imposed pursuant to state law under certain circumstances. (BDR 15-1299)

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

~

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

AN ACT relating to tobacco; authorizing state agencies and local governments to adopt more stringent restrictions governing tobacco and products made from tobacco than restrictions imposed pursuant to state law under certain circumstances; 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 202.2485 is hereby amended to read as follows:
2 202.2485 As used in NRS 202.2485 to 202.2497, inclusive:
3 1. “Distribute” includes furnishing, giving away or providing products
4 made from tobacco or samples thereof at no cost to promote the product,
5 whether or not in combination with a sale.
6 2. “Health authority” means the district health officer in a district, or
7 his designee, or, if none, the state health officer, or his designee.
8 3. *“Licensed gaming establishment” has the meaning ascribed to it*
9 *in NRS 463.0169.*
10 **Sec. 2.** NRS 202.249 is hereby amended to read as follows:
11 202.249 1. It is the public policy of the State of Nevada and the
12 purpose of NRS 202.2491, 202.24915 and 202.2492 to place restrictions on
13 the smoking of tobacco in public places to protect human health and safety.
14 2. The quality of air is declared to be affected with the public interest ,
15 and NRS 202.2491, 202.24915 and 202.2492 are enacted in the exercise of
16 the police power of this state to protect the health, peace, safety and
17 general welfare of its people.
18 3. Health authorities, police officers of cities or towns, sheriffs and
19 their deputies and other peace officers of this state shall, within their
20 respective jurisdictions, enforce the provisions of NRS 202.2491,



1 202.24915 and 202.2492. Police officers of cities or towns, sheriffs and
2 their deputies and other peace officers of this state shall, within their
3 respective jurisdictions, enforce the provisions of NRS 202.2493 and
4 202.2494.

5 4. ~~[Am]~~ *Except as otherwise provided in subsection 5, an* agency,
6 board, commission or political subdivision of this state, including, *without*
7 *limitation*, any agency, board, commission or governing body of a local
8 government, ~~[shall not]~~ *may* impose more stringent restrictions on the
9 smoking, use, sale, distribution, marketing, display or promotion of
10 tobacco or products made from tobacco than are provided by NRS
11 202.2491, 202.24915, 202.2492, 202.2493 and 202.2494.

12 5. *An agency, board, commission or political subdivision of this state,*
13 *including, without limitation, any agency, board, commission or*
14 *governing body of a local government, may not impose more stringent*
15 *restrictions on the smoking, use, sale, distribution, marketing, display or*
16 *promotion of tobacco or products made from tobacco than are provided*
17 *by NRS 202.2491, 202.24915, 202.2492, 202.2493 and 202.2494 with*
18 *respect to:*

19 (a) *A licensed gaming establishment.*

20 (b) *A bar or tavern.*

21 (c) *An area within a restaurant in which alcoholic beverages are*
22 *served and patrons who are minors are excluded.*

23 **Sec. 3.** NRS 202.2491 is hereby amended to read as follows:

24 202.2491 1. Except as otherwise provided in subsections 5 and 6 and
25 NRS 202.24915, the smoking of tobacco in any form is prohibited if done
26 in any:

27 (a) Public elevator.

28 (b) Public building.

29 (c) Public waiting room, lobby or hallway of any:

30 (1) Medical facility or facility for the dependent as defined in chapter
31 449 of NRS; or

32 (2) Office of any chiropractor, dentist, physical therapist, physician,
33 podiatric physician, psychologist, optician, optometrist, doctor of Oriental
34 medicine or doctor of acupuncture.

35 (d) Hotel or motel when so designated by the operator thereof.

36 (e) Public area of a store principally devoted to the sale of food for
37 human consumption off the premises.

38 (f) Child care facility.

39 (g) Bus used by the general public, other than a chartered bus, or in any
40 maintenance facility or office associated with a bus system operated by any
41 regional transportation commission.

42 (h) School bus.

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

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



1 (b) May designate separate rooms or portions of the area which may be
2 used for smoking, except for a room or portion of the area of a store
3 described in paragraph (e) of subsection 1 if the room or portion of the
4 area:

5 (1) Is leased to or operated by a person licensed pursuant to NRS
6 463.160; and

7 (2) Does not otherwise qualify for an exemption set forth in NRS
8 202.24915.

9 3. The person in control of a public building:

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

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

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

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

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

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

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

26 (b) A licensed gaming establishment. A licensed gaming establishment
27 may designate separate rooms or areas within the establishment which may
28 or may not be used for smoking.

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

34 8. As used in this section:

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

37 (b) ~~"Licensed gaming establishment" has the meaning ascribed to it in~~
38 ~~NRS 463.0169.~~

39 ~~—(c)—~~ "Public building" means any building or office space owned or
40 occupied by:

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

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

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



- 1 If only part of a building is owned or occupied by an entity described in
- 2 this paragraph, the term means only that portion of the building which is so
- 3 owned or occupied.
- 4 ~~(d)~~ (c) “School bus” has the meaning ascribed to it in NRS 483.160.

