

(REPRINTED WITH ADOPTED AMENDMENTS)
FIRST REPRINT S.B. 258

SENATE BILL NO. 258—COMMITTEE ON JUDICIARY

FEBRUARY 27, 2001

Referred to Committee on Judiciary

SUMMARY—Makes various changes concerning tobacco. (BDR 15-1299)

FISCAL NOTE: Effect on Local Government: No.
 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; prohibiting the smoking of tobacco in certain places; prohibiting the advertising of tobacco products on the grounds of a public or private school, at an activity sponsored by a public or private school and in material published by a public or private school; requiring an applicant for a millennium scholarship to sign a written promise to refrain from using tobacco products; requiring certain taxicabs to display a notice indicating whether smoking is permitted in the taxicab; 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 *this section* and NRS 202.24915, the smoking of tobacco in any form is
4 prohibited if done in *or on* 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
9 chapter 449 of NRS. ~~1; or~~
10 ~~(2)~~ (d) Office of any chiropractor, dentist, physical therapist,
11 physician, podiatric physician, psychologist, optician, optometrist, doctor
12 of Oriental medicine or doctor of acupuncture.
13 ~~(d)~~ (e) Hotel or motel when so designated by the operator thereof.
14 ~~(e)~~ (f) Public area of a store principally devoted to the sale of food for
15 human consumption off the premises.
16 ~~(f)~~ (g) Child care facility.
17 ~~(g)~~ (h) Bus used by the general public, other than a chartered bus, or
18 in any maintenance facility or office associated with a bus system operated
19 by any regional transportation commission.



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



1 ~~18-1~~ 9. As used in this section:
2 (a) "Child care facility" ~~means an establishment licensed pursuant to~~
3 ~~chapter 432A of NRS to provide care for 13 or more children.~~ *has the*
4 *meaning ascribed to it in NRS 432A.024.*
5 (b) "Licensed gaming establishment" has the meaning ascribed to it in
6 NRS 463.0169.
7 (c) "Public building" means any building or office space , *other than*
8 *the property of a public school*, owned or occupied by:
9 (1) Any component of the University and Community College
10 System of Nevada and used for any purpose related to the system.
11 (2) The State of Nevada and used for any public purpose, other than
12 that used by the department of prisons to house or provide other services to
13 offenders.
14 (3) Any county, city ~~school district~~ or other political subdivision
15 of the state and used for any public purpose.
16 If only part of a building is owned or occupied by an entity described in
17 this paragraph, the term means only that portion of the building which is so
18 owned or occupied.
19 (d) *"Public school" has the meaning ascribed to it in NRS 385.007.*
20 (e) "School bus" has the meaning ascribed to it in NRS 483.160.
21 **Sec. 2.** NRS 202.2494 is hereby amended to read as follows:
22 202.2494 1. A cigarette vending machine must not be placed in a
23 public area described in paragraph (a), (c), ~~(e),~~ (d), (f), (g) , ~~(h)~~ (h) *or (j)*
24 of subsection 1 of NRS 202.2491, if minors are permitted access to that
25 area.
26 2. A coin-operated vending machine containing cigarettes must not be
27 used to dispense any product not made from tobacco.
28 **Sec. 3.** Chapter 392 of NRS is hereby amended by adding thereto a
29 new section to read as follows:
30 *1. A person shall not advertise cigarettes, tobacco of any description*
31 *or products made from tobacco:*
32 *(a) On the grounds of a public school;*
33 *(b) At an activity sponsored by a public school; or*
34 *(c) In any written material that is published by a public school.*
35 *2. A person who violates any provision of this section is guilty of a*
36 *misdemeanor.*
37 **Sec. 4.** Chapter 394 of NRS is hereby amended by adding thereto a
38 new section to read as follows:
39 *1. A person shall not advertise cigarettes, tobacco of any description*
40 *or products made from tobacco:*
41 *(a) On the grounds of a private school;*
42 *(b) At an activity sponsored by a private school; or*
43 *(c) In any written material that is published by a private school.*
44 *2. A person who violates any provision of this section is guilty of a*
45 *misdemeanor.*
46 **Sec. 5.** NRS 396.930 is hereby amended to read as follows:
47 396.930 1. Except as otherwise provided in subsections 2 and 3, a
48 student may apply to the board of regents for a millennium scholarship if
49 he:



- 1 (a) Has been a resident of this state for at least 2 years before he applies
2 for the scholarship;
3 (b) Graduated from a public or private high school in this state:
4 (1) After May 1, 2000; and
5 (2) Not more than 8 years before he applies for the scholarship;
6 (c) Maintained at least a 3.0 grade-point average on a 4.0 grading scale
7 in high school in the core curriculum, as determined by the board of
8 regents pursuant to subsection 2; ~~and~~
9 (d) Is enrolled in at least 12 semester credit hours in a university or at
10 least 6 semester credit hours in a community college ~~+~~; and
11 *(e) Signs a written promise to refrain from using cigarettes, tobacco of*
12 *any description and products made from tobacco while he is receiving a*
13 *millennium scholarship.*
14 2. The board of regents shall:
15 (a) Define the core curriculum that a student must complete in high
16 school to be eligible for a millennium scholarship.
17 (b) Develop a plan to ensure that needy students and students from
18 families that otherwise could not afford to send their children to college
19 receive millennium scholarships.
20 3. For students who did not graduate from a public or private high
21 school in this state and who have been residents of this state for at least 2
22 years, the board of regents shall establish:
23 (a) The minimum score on a standardized test that such students must
24 receive; or
25 (b) Other criteria that students must meet,
26 to be eligible for millennium scholarships.
27 4. In awarding scholarships, the board of regents shall enhance its
28 outreach to students who:
29 (a) Are pursuing a career in education or health care;
30 (b) Come from families who lack sufficient financial resources to pay
31 for the costs of sending their children to a university or community college;
32 or
33 (c) Substantially participated in an anti-smoking, anti-drug or anti-
34 alcohol program during high school.
35 **Sec. 6.** Chapter 706 of NRS is hereby amended by adding thereto a
36 new section to read as follows:
37 *A certificate holder shall display on each of his taxicabs a notice*
38 *indicating whether smoking is permitted in the taxicab. The notice must*
39 *be permanently affixed:*
40 *1. On the outside of both front doors in bold block letters which are*
41 *of a color which contrasts with the color of the taxicab and which are not*
42 *less than three-fourths of an inch in height; and*
43 *2. Inside the taxicab so as to be visible and easily seen by passengers.*
44 **Sec. 7.** NRS 706.881 is hereby amended to read as follows:
45 706.881 1. NRS 706.8811 to 706.885, inclusive, *and section 6 of*
46 *this act* apply to any county:
47 (a) Whose population is 400,000 or more; or



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1 (b) For whom regulation by the taxicab authority is not required if its
2 board of county commissioners has enacted an ordinance approving the
3 inclusion of the county within the jurisdiction of the taxicab authority.

4 2. Upon receipt of a certified copy of such an ordinance from a county
5 for whom regulation by the taxicab authority is not required, the taxicab
6 authority shall exercise its regulatory authority pursuant to NRS 706.8811
7 to 706.885, inclusive, *and section 6 of this act* within that county.

8 3. Within any such county, the provisions of this chapter which confer
9 regulatory authority over taxicab motor carriers upon the transportation
10 services authority do not apply.

11 **Sec. 8.** NRS 706.885 is hereby amended to read as follows:

12 706.885 1. Any person who knowingly makes or causes to be made,
13 either directly or indirectly, a false statement on an application, account or
14 other statement required by the taxicab authority or the administrator or
15 who violates any of the provisions of NRS 706.881 to 706.885, inclusive,
16 *or section 6 of this act* is guilty of a misdemeanor.

17 2. The taxicab authority or administrator may at any time, for good
18 cause shown and upon at least 5 days' notice to the grantee of any
19 certificate or driver's permit, and after a hearing unless waived by the
20 grantee, penalize the grantee of a certificate to a maximum amount of
21 \$15,000 or penalize the grantee of a driver's permit to a maximum amount
22 of \$500 or suspend or revoke the certificate or driver's permit granted by it
23 or him, respectively, for:

24 (a) Any violation of any provision of NRS 706.881 to 706.885,
25 inclusive, *or section 6 of this act* or any regulation of the taxicab authority
26 or administrator.

27 (b) Knowingly permitting or requiring any employee to violate any
28 provision of NRS 706.881 to 706.885, inclusive, or any regulation of the
29 taxicab authority or administrator.

30 If a penalty is imposed on the grantee of a certificate pursuant to this
31 section, the taxicab authority or administrator may require the grantee to
32 pay the costs of the proceeding, including investigative costs and attorney's
33 fees.

34 3. When a driver or certificate holder fails to appear at the time and
35 place stated in the notice for the hearing, the administrator shall enter a
36 finding of default. Upon a finding of default, the administrator may
37 suspend or revoke the license, permit or certificate of the person who failed
38 to appear and impose the penalties provided in this chapter. For good cause
39 shown, the administrator may set aside a finding of default and proceed
40 with the hearing.

41 4. Any person who operates or permits a taxicab to be operated in
42 passenger service without a certificate of public convenience and necessity
43 issued pursuant to NRS 706.8827, is guilty of a gross misdemeanor. If a
44 law enforcement officer witnesses a violation of this subsection, he may
45 cause the vehicle to be towed immediately from the scene.

46 5. The conviction of a person pursuant to subsection 1 does not bar the
47 taxicab authority or administrator from suspending or revoking any
48 certificate, permit or license of the person convicted. The imposition of a
49 fine or suspension or revocation of any certificate, permit or license by the



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1 taxicab authority or administrator does not operate as a defense in any
2 proceeding brought under subsection 1.

3 **Sec. 9.** The amendatory provisions of this act do not apply to offenses
4 committed before October 1, 2001.

