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Tolerance and consideration

A proposed amendment to AB460.

- 1) Preclude smoking in video arcades.
- 2) Preclude smoking in Day Care facilities, exempting out private homes that are the personal residence of the person "babysitting" fewer than 5 children.
- 3) Public Buildings: A) Allow one of the entrances to be the outside smoking area, thus allowing those who wish to avoid the smoke exposure to do so. B) Allow convention centers to have smoking areas appropriately ventilated, while providing a smoke free environment to the participants in general. C) Allow local entities or federal entities that are correctional facilities to set their own policy for smoke free environments. D) Airports may provide smoking areas with separate ventilation systems to prevent smoke exposure to the public. Likewise airports may choose to be smoke free, such as has the Reno Airport recently.
- 4) Other amendments as the committee wishes, with the proviso that the intent of this proposal is to have tolerance and consideration.

Thank you,
Joe Hardy, MD
5/26/03

ASSEMBLY WAYS AND MEANS
DATE: 5-26-03 ROOM: 3137 EXHIBIT 11
SUBMITTED BY: Dr. Joe Hardy

H107

From: Hardy, Joe Assemblyman
Sent: Sunday, May 18, 2003 7:39 AM
To: Arberry, Morse Assemblyman
Cc: Buckley, Barbara Assemblywoman; Ocegura, John Assemblyman; Perkins, Richard Assemblyman; Anderson, Bernie Assemblyman
Subject: AB460

Dear Honorable Chairman Arberry,

John Ocegura has done a great job with much time and effort, to allow me to find a vehicle to attach an amendment, to help the children and the people of Nevada avoid second hand smoke exposure. I would propose an amendment to limit smoking in Public buildings, video arcades, and child care facilities (exempting out private homes with fewer than 5 children being "babysat"). There may need to be some flexibility in the public building part of this definition ie. convention center in "gaming areas". I would appreciate input from you and your committee. I likewise appreciate the opportunity to accomplish this in a committee setting, rather than on the floor of the Assembly, that John has so graciously afforded me with his dedication and diligence to the process.

Please let me know when, where and how you would like me to carry this amendment to you and your committee. AB460 opens up NRS 202.249 which relates and is germane to the issue. I do not anticipate an adverse affect on the passage of the bill should the above amendment be adopted. Thank you for your help.

Joe

Assemblyman Joe Hardy, M.D.
Nevada Assembly District # 20

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Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 202.2491 is hereby amended to read as follows:

202.2491 1. Except as otherwise provided in subsections *4 and 5* ~~[and 6]~~ and NRS 202.24915, the smoking of tobacco in any form is prohibited if done in any:

(a) Public elevator.

(b) Public building.

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

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

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

RBL

Date: 5/12/2003

S.B. No. 50—Revises various provisions pertaining to tobacco and products made from tobacco.



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

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

(f) Child care facility.

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

(h) School bus.

(i) *Video arcade.*

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

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

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

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

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

3. ~~{The person in control of a public building:~~

~~—(a) Shall post in the area signs prohibiting smoking in any place not designated for that purpose as provided in paragraph (b);~~

~~—(b) Shall, except as otherwise provided in this subsection, designate a separate area which may be used for smoking;~~

FLUSH

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

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

~~{5.]~~ 4. A business which derives more than 50 percent of its gross receipts from the sale of alcoholic beverages or 50 percent of its gross receipts from gaming operations may be designated as a smoking area in its entirety by the operator of the business.

~~{6.]~~ 5. The smoking of tobacco is not prohibited in:

(a) Any room or area designated for smoking pursuant to paragraph (b) of subsection 2. ~~{or paragraph (b) of subsection 3.}~~

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

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

~~—8.]~~ 6. As used in this section:

(a) "Child care facility" means an establishment ~~[licensed pursuant to chapter 432A of NRS to provide care for 13 or more children.]~~ *operated and maintained to furnish care on a temporary or permanent basis, during the day or overnight, to five or more children under 18 years of age, if*

compensation is received for the care of any of those children. The term does not include the home of a natural person who provides child care.

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

(c) "Public building" means any building or office space owned or occupied by:

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

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

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

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

(d) "School bus" has the meaning ascribed to it in NRS 483.160.

(e) *"Video arcade" has the meaning ascribed to it in paragraph (d) of subsection 3 of NRS 453.3345."*

Amend the bill as a whole by adding a new section designated sec. 4, following sec. 2, to read as follows:

"Sec. 4. NRS 202.2494 is hereby amended to read as follows:

202.2494 1. A cigarette vending machine must not be placed in a public area described in paragraph (a), (c), (e), (f), (g), ~~(h)~~ (h) or (i) of subsection 1 of NRS 202.2491, if minors are permitted access to that area.

2. A coin-operated vending machine containing cigarettes must not be used to dispense any product not made from tobacco.”.

Amend the title of the bill to read as follows:

“AN ACT relating to tobacco; authorizing school districts to adopt more stringent restrictions governing tobacco and products made from tobacco than restrictions imposed pursuant to state law under certain circumstances; revising provisions governing smoking of tobacco in public places; prohibiting cigarette vending machines in certain areas; providing a penalty; and providing other matters properly relating thereto.”.