

INITIATIVE PETITION NO. 1

MARCH 2, 2005

Referred to Committee on Judiciary

SUMMARY—Provides for enactment of Nevada Clean Indoor Air Act: Protecting children and families from secondhand smoke in most public places, excluding stand-alone bars and gaming areas of casinos.

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

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. This Act shall be known, cited and referred to as the “Nevada Clean Indoor Air Act: Protecting children and families from secondhand smoke in most public places, excluding stand-alone bars and gaming areas of casinos.”

Sec. 2. Chapter 202 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, smoking tobacco in any form is prohibited within indoor places of employment including, but not limited to, the following:

- (a) Child care facilities;
- (b) Movie theatres;
- (c) Video arcades;
- (d) Government buildings and public places;
- (e) Malls and retail establishments;
- (f) All areas of grocery stores; and
- (g) All indoor areas within restaurants.

2. Without exception, smoking tobacco in any form in prohibited within school buildings and on school property.

3. Smoking tobacco is **not** prohibited in:

- (a) Areas within casinos where loitering by minors is already prohibited by state law pursuant to NRS 463.350;
- (b) Stand-alone bars, taverns and saloons;
- (c) Strip clubs or brothels;
- (d) Retail tobacco stores;



1 (e) Private residences, including private residences which may
2 serve as an office workplace, except if used as a childcare, an adult
3 day care or a health care facility.

4 4. In areas or establishments where smoking is not prohibited
5 by this Act, nothing in state law shall be construed to prohibit the
6 owners of said establishments from voluntarily creating nonsmoking
7 sections or designating the entire establishment as smoke free.

8 5. Nothing in state law shall be construed to restrict local
9 control or otherwise prohibit a county, city or town from adopting
10 and enforcing local tobacco control measures that meet or exceed
11 the minimum applicable standards set forth in this Act.

12 6. "No Smoking" signs or the international "No Smoking"
13 symbol shall be clearly and conspicuously posted in every public
14 place and place of employment where smoking is prohibited by this
15 Act. Each public place and place of employment where smoking is
16 prohibited shall post, at every entrance, a conspicuous sign clearly
17 stating that smoking is prohibited. All ashtrays and other smoking
18 paraphernalia shall be removed from any area where smoking is
19 prohibited.

20 7. Health authorities, police officers of cities or towns, sheriffs
21 and their deputies shall, within their respective jurisdictions, enforce
22 the provisions of this Act and shall issue citations for violations of
23 this Act pursuant to NRS 202.2492 and NRS 202.24925.

24 8. No person or employer shall retaliate against an employee,
25 applicant or customer for exercising any rights afforded by, or
26 attempts to prosecute a violation of, this Act.

27 9. For the purposes of this Act, the following terms have the
28 following definitions:

29 (a) "Childcare facilities" has the meaning ascribed to it in
30 NRS 432A.024;

31 (b) "Video arcade" has the meaning ascribed to it in
32 paragraph (d) of subsection 3 of NRS 453.3345;

33 (c) "Government building" means any building or office space
34 owned or occupied by: (1) any component of the University and
35 Community College System of Nevada and used for any purpose
36 related to the system, (2) the State of Nevada and used for any
37 public purpose, or (3) any county, city, school district or other
38 political subdivision of the State and used for any public purpose;

39 (d) "Public places" means any enclosed areas to which the
40 public is invited or in which the public is permitted;

41 (e) "School building" means all buildings on the grounds of any
42 public school described in NRS 388.020 and any private school as
43 defined in NRS 394.103;



1 (f) "School property" means the grounds of any public school
2 described in NRS 388.020 and any private school as defined in
3 NRS 394.103;

4 (g) "Casino" means an entity that contains a building or large
5 room devoted to gambling games or wagering on a variety of
6 events. A casino must possess a nonrestricted gaming license as
7 described in NRS 463.0177 and typically uses the word 'casino' as
8 part of its proper name;

9 (h) "Restaurant" means a business which gives or offers for sale
10 food, with or without alcoholic beverages, to the public, guests, or
11 employees, as well as kitchens and catering facilities in which food
12 is prepared on the premises for serving elsewhere;

13 (i) "Place of employment" means any enclosed area under the
14 control of a public or private employer which employees frequent
15 during the course of employment including, but not limited to, work
16 areas, restrooms, hallways, employee lounges, cafeterias, conference
17 and meeting rooms, lobbies and reception areas;

18 (j) "Health Authority" has the meaning ascribed to it in
19 NRS 202.2485;

20 (k) "Stand-alone bar, tavern or saloon" means an establishment
21 devoted primarily to the sale of alcoholic beverages to be consumed
22 on the premises, in which food service is incidental to its operation,
23 and provided that smoke from such establishments does not
24 infiltrate into areas where smoking is prohibited under the
25 provisions of this Act. In addition, a stand-alone bar, tavern or
26 saloon must be housed in either: (1) a physically independent
27 building that does not share a common entryway or indoor area with
28 a restaurant, public place or any other indoor workplaces where
29 smoking is prohibited by this Act, or (2) a completely enclosed area
30 of a larger structure, such as a strip mall or an airport, provided that
31 indoor windows must remain shut at all times and doors must
32 remain closed when not actively in use;

33 (l) "Completely enclosed area" means an area that is enclosed
34 on all sides by any combination of solid walls, windows or doors
35 that extend from the floor to the ceiling;

36 (m) "Incidental food service or sales" means the service of
37 prepackaged food items including, but not limited to, peanuts,
38 popcorn, chips, pretzels or any other incidental food items that are
39 exempt from food licensing requirements pursuant to subsection 2
40 of NRS 446.870;

41 (n) "Retail tobacco store" means a retail store utilized primarily
42 for the sale of tobacco products and accessories and in which the
43 sale of other products is merely incidental.

44 10. Any statute or regulation inconsistent with this Act is null
45 and void.



1 11. The provisions of this Act are severable. If any provision of
2 this Act or the application thereof is declared by a court of
3 competent jurisdiction to be invalid or unconstitutional, such
4 declaration shall not affect the validity of the Act as a whole or any
5 provision thereof other than the part declared to be invalid or
6 unconstitutional.

7 **Sec. 3.** This act shall be in full force and effect 10 days from
8 and after its passage and approval.

