

INITIATIVE PETITION NO. 2

MARCH 2, 2005

Referred to Committee on Judiciary

SUMMARY—Provides for enactment of Responsibly Protect Nevadans From Second-Hand Smoke Act.

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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 statutory initiative shall be known as the Responsibly Protect Nevadans From Second-Hand Smoke Act.

Sec. 2. Chapter 202 of the Nevada Revised Statutes is amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, smoking tobacco in any form is prohibited in the following specific places:

- (a) Indoor dining areas within restaurants;
- (b) Child care facilities;
- (c) All elementary, secondary and high school property;
- (d) Hospitals and medical offices;
- (e) Any motion picture house, theatre, concert hall;
- (f) Video arcades;
- (g) Government buildings;
- (h) Grocery stores and bakeries;
- (i) Retail establishments;
- (j) Drug stores and convenience stores; and
- (k) Any museums, libraries, gallery or other place of public display or collection.

2. Smoking tobacco is *not* prohibited in:

- (a) Facilities with non-restricted gaming licenses;
- (b) Bars, taverns and saloons;
- (c) Strip clubs or brothels;
- (d) Retail tobacco stores;
- (e) Areas within restaurants where persons under the age of 21 years are not permitted;



(f) Private residences, including hotel and motel rooms, and private residences that serve as office workplaces unless such private residence is used as a childcare facility; and

(g) Any area within a business that is leased to or operated by a person who is licensed pursuant to NRS Chapter 463, including, but not limited to, areas within retail establishments, grocery stores, drug stores and convenience stores.

Smoking is prohibited in any specific place enumerated in Sections 2.1(b)-(k) that is located within one of the businesses enumerated in Sections 2.2(a)-(f). The list of establishments enumerated in Sections 2.2(a)-(g) is not exclusive or exhaustive.

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

4. "No Smoking" signs or the international "No Smoking" symbol shall be clearly and conspicuously posted in every place where smoking is prohibited by this Act. Each place where smoking is prohibited shall post, at every entrance, a conspicuous sign clearly stating that smoking is prohibited.

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

6. For the purpose of this Act, the following terms have the following definition:

(a) "Childcare facility" has the meaning ascribed to it by NRS 202.2491.

(b) "Video arcade" has the meaning ascribed to it by NRS 453.3345.

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

(d) "Grocery store" means a store that is principally devoted to the sale of food for human consumption off the premises.

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

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

(g) "Non-restricted gaming license" has the meaning ascribed to it by NRS 463.0177.



1 (h) "Bar, tavern or saloon" means a business other than a
2 restaurant that holds a license to sell alcoholic beverages for
3 consumption on premises.

4 (i) "Restaurant" means a food establishment in the business of
5 selling food primarily for human consumption on the premises.

6 (j) "Retail establishment" means a store in the business of
7 selling goods, wares or merchandise on-premises where the general
8 public is invited to such premises.

9 (k) "Retail tobacco store" means a retail establishment utilized
10 primarily for the sale of tobacco products and accessories and in
11 which the sale of other products is merely incidental.

12 **Sec. 3.** To the extent that any provision of this Act conflicts
13 with the provisions of NRS 202.2491, the provisions of this Act
14 shall prevail. Any establishment that is not specifically enumerated
15 in Section 2 of this Act is unaffected by this Act.

16 **Sec. 4.** Whenever a section of the Nevada Revised Statutes is
17 referenced in the Act, such section of the Nevada Revised Statute
18 shall at all times be read as it existed on January 1, 2004.

19 **Sec. 5.** All power over the regulation of smoking of tobacco
20 shall be exclusively vested in the legislature of the State of Nevada.

21 **Sec. 6.** This Act shall be in full force and effect 10 days from
22 and after its passage and approval.

