

1 S.7

2 Introduced by Senator Mullin of Rutland District

3 Referred to Committee on

4 Date:

5 Subject: Health; tobacco products; workplace prohibition

6 Statement of purpose: This bill proposes to prohibit the use of lighted tobacco
7 products in the workplace.

8 AN ACT TO PROHIBIT THE USE OF LIGHTED TOBACCO
9 PRODUCTS IN THE WORKPLACE

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 Sec. 1. 18 V.S.A. §§ 1421 and 1426 are amended to read:

12 § 1421. ~~DEFINITIONS~~ SMOKING IN THE WORKPLACE; PROHIBITION

13 ~~As used in this subchapter:~~

14 ~~(1) "Smoking area" means an area that nonsmoking employees are not~~
15 ~~required to visit on a regular basis where smoking is permitted pursuant to a~~
16 ~~policy established under this subchapter. Up to 30 percent of employee~~
17 ~~cafeteria and lounge areas may be designated as a smoking area.~~

18 ~~(2) "Workplace" The use of lighted tobacco products is prohibited in~~
19 ~~any "workplace," which, for the purposes of this subchapter, means an~~
20 ~~enclosed structure where employees perform services for an employer or, in~~

1 the case of an employer who assigns employees to departments, divisions, or
2 similar organizational units, the enclosed portion of a structure ~~where the unit~~
3 to which the employee is assigned ~~is located~~. Except for schools, workplace
4 does not include areas commonly open to the public nor any portion of a
5 structure ~~which~~ that also serves as the employee's or employer's personal
6 residence. For schools, workplace ~~shall include~~ includes any enclosed location
7 ~~at which~~ where instruction or other school-sponsored functions are occurring
8 and students are present.

9 § 1426. ENFORCEMENT

10 (a) An employee aggrieved by an employer's failure to comply with the
11 provisions of this subchapter may file a complaint with the department of
12 health.

13 ~~(b) If the complaint is based on an employer's alleged failure to establish a~~
14 ~~smoking policy or post the policy and summary as required under section 1424~~
15 ~~of this title, the department shall not initiate an action under this section until it~~
16 ~~has given the employer written notice of the alleged violation and ten days to~~
17 ~~come into voluntary compliance with the provisions of this subchapter.~~

18 (e) The commissioner of health or a hearing officer designated by the
19 commissioner may, after notice and an opportunity for hearing, impose an
20 administrative penalty of \$100.00 against an employer who violates a
21 ~~provision of~~ this chapter. The hearing before the commissioner shall be a

1 contested case subject to the provisions of chapter 25 of Title 3

2 (Administrative Procedure Act).

3 Sec. 2. REPEAL

4 18 V.S.A. §§ 1422, 1423, 1424, and 1425 (dealing with a smoking policy)

5 are repealed.