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H.217

Representatives Frank of Underhill and Krowinski of Burlington move that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. § 1421 is amended to read:

§ 1421. SMOKING IN THE WORKPLACE; PROHIBITION

(a) The use of lighted tobacco products is prohibited in any workplace.

(b)(1) ~~For the purposes of~~ As used in this subchapter, “workplace” means an enclosed ~~or partially enclosed~~ structure where employees perform services for an employer ~~or, in,~~ including restaurants, bars, and other establishments in which food or drinks, or both, are served. ~~In~~ the case of an employer who assigns employees to departments, divisions, or similar organizational units, “workplace” means the enclosed ~~or partially enclosed~~ portion of a structure to which the employee is assigned.

* * *

(3) For schools, workplace includes any enclosed ~~or partially enclosed~~ location where instruction or other school-sponsored functions are occurring ~~and students are present.~~

(4) For lodging establishments used for transient traveling or public vacationing, such as resorts, hotels, and motels, workplace includes the sleeping quarters and adjoining rooms rented to guests.

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Sec. 2. 18 V.S.A. § 1741 is amended to read:

§ 1741. DEFINITIONS

As used in this chapter:

* * *

(2) “A place of public access” means any place of business, commerce, banking, financial service, or other service-related activity, whether publicly or privately owned and whether operated for profit or not, to which the general public has access or which the general public uses, ~~including.~~ The term includes:

- (A) buildings;
- (B) offices;
- (C) means of transportation;
- (D) common carrier waiting rooms;
- (E) arcades;
- (F) restaurants, bars, and cabarets;
- (G) retail stores;
- (H) grocery stores;
- (I) libraries;
- (J) theaters, concert halls, auditoriums, and arenas;
- (K) barber shops, and hair salons;

1 (L) laundromats;

2 (M) shopping malls;

3 (N) museums; and art galleries;

4 (O) sports and fitness facilities;

5 (P) planetariums;

6 (Q) historical sites;

7 (R) lodging establishments for transient traveling or public

8 vacationing, such as resorts, hotels, and motels;

9 (S) common areas of nursing homes; and hospitals, ~~resorts, hotels~~

10 ~~and motels~~; including the lobbies, hallways, elevators, restaurants, restrooms,

11 and cafeterias; and

12 (T) buildings or facilities owned or operated by a social, fraternal, or

13 religious club.

14 (3) “Enclosed or partially enclosed” means closed in by a roof or

15 overhang and at least two walls of building materials, canvas, or other material

16 that impedes air flow. Enclosed or partially enclosed areas include areas

17 commonly described as public lobbies, interior courtyards, patios, porches, and

18 covered decks and walkways, as long as they are closed in by a roof or

19 overhang and at least two walls.

20 (4) “Hospital” means a place devoted primarily to the maintenance and

21 operation of diagnostic and therapeutic facilities for inpatient medical or

1 surgical care of individuals suffering from illness, disease, injury, or deformity,
2 or for obstetrics.

3 (4) “Publicly owned buildings and offices” means enclosed and partially
4 enclosed indoor places or portions of such places owned, leased, or rented by
5 state State, county, or municipal governments, or by agencies supported by
6 appropriation of, or by contracts or grants from, funds derived from the
7 collection of federal, ~~state~~ State, county, or municipal taxes.

8 Sec. 3. 18 V.S.A. § 1742 is amended to read:

9 § 1742. RESTRICTIONS ON SMOKING IN PUBLIC PLACES

10 (a) The possession of lighted tobacco products in any form is prohibited in:

11 (1) the common areas of all enclosed and partially enclosed indoor
12 places of public access and publicly owned buildings and offices;

13 (2) in designated smoke-free areas of property or grounds owned by or
14 leased to the State; and

15 (3) in any other area within 50 25 feet of State-owned buildings and
16 offices, except that to the extent that any portion of the 25-foot zone is not on
17 State property, smoking is prohibited only in that portion of the zone that is on
18 State property unless the owner of the adjoining property chooses to designate
19 his or her property smoke-free.

20 (b) The possession of lighted tobacco products in any form is prohibited on
21 the grounds of any hospital or secure residential recovery facility owned or

1 operated by the State, including all enclosed and partially enclosed places in
2 the hospital or facility and the surrounding outdoor property.

3 (c) Nothing in this section shall be construed to restrict the ability of
4 residents of the Vermont Veterans' Home to use lighted tobacco products in
5 the indoor area of the facility in which smoking is permitted.

6 Sec. 4. 16 V.S.A. § 140 is amended to read:

7 **§ 140. TOBACCO USE PROHIBITED ON PUBLIC SCHOOL GROUNDS**

8 No person shall be permitted to use tobacco products or tobacco substitutes
9 as defined in 7 V.S.A. § 1001 on public school grounds and no student shall be
10 permitted to use tobacco products or tobacco substitutes or at public school
11 sponsored functions. Each public school board shall adopt policies prohibiting
12 the possession and use of tobacco products and tobacco substitutes by students
13 at all times while under the supervision of school staff. These policies shall
14 include confiscation and appropriate referrals to law enforcement authorities.

15 Sec. 5. 33 V.S.A. § 3504 is added to read:

16 **§ 3504. TOBACCO USE PROHIBITED AT CHILD CARE FACILITIES**

17 (a) No person shall be permitted to use tobacco products or tobacco
18 substitutes as defined in 7 V.S.A. § 1001 on the premises, both indoor and
19 outdoor, of any licensed child care facility or afterschool program at any time.

20 (b) No person shall be permitted to use tobacco products or tobacco
21 substitutes as defined in 7 V.S.A. § 1001 on the premises, both indoor and

1 outdoor, of a licensed or registered family child care home while children are
2 present and in care. If smoking occurs on the premises during other times, the
3 family child care home shall notify prospective families prior to enrolling a
4 child in the family child care home that their child will be exposed to an
5 environment in which tobacco products or tobacco substitutes, or both, are
6 used.

7 Sec. 6. EFFECTIVE DATE

8 This act shall take effect on July 1, 2014.