

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Human Services to which was referred House Bill No. 217  
3 entitled “An act relating to smoking in partially enclosed structures, lodging  
4 establishments, and state lands” respectfully reports that it has considered the  
5 same and recommends that the bill be amended by striking out all after the  
6 enacting clause and inserting in lieu thereof the following:

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

8 § 1421. SMOKING IN THE WORKPLACE; PROHIBITION

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

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

16 \* \* \*

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

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

4                                   \* \* \*

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

6           § 1741. DEFINITIONS

7           As used in this chapter:

8                                   \* \* \*

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

14                   (A) buildings;₂

15                   (B) offices;₂

16                   (C) means of transportation;₂

17                   (D) common carrier waiting rooms;₂

18                   (E) arcades;₂

19                   (F) restaurants, bars,₂ and cabarets;₂

20                   (G) retail stores;₂

21                   (H) grocery stores;₂

1            (I) libraries;;

2            (J) theaters, concert halls, auditoriums, and arenas;;

3            (K) barber shops, and hair salons;;

4            (L) laundromats;;

5            (M) shopping malls;;

6            (N) museums, and art galleries;;

7            (O) sports and fitness facilities;;

8            (P) planetariums;;

9            (Q) historical sites;;

10           (R) lodging establishments for transient traveling or public  
11 vacationing, such as resorts, hotels, and motels;

12           (S) common areas of nursing homes, and hospitals, ~~resorts, hotels~~  
13 ~~and motels~~, including the lobbies, hallways, elevators, restaurants, restrooms,  
14 and cafeterias; and

15           (T) buildings or facilities owned or operated by a social, fraternal, or  
16 religious club.

17           (3) “Hospital” means a place devoted primarily to the maintenance and  
18 operation of diagnostic and therapeutic facilities for inpatient medical or  
19 surgical care of individuals suffering from illness, disease, injury, or deformity,  
20 or for obstetrics.

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

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

7 § 1742. RESTRICTIONS ON SMOKING IN PUBLIC PLACES

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

9           (1) the common areas of all enclosed indoor places of public access and  
10 publicly owned buildings and offices;

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

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

18       (b) The possession of lighted tobacco products in any form is prohibited on  
19 the grounds of any hospital or secure residential recovery facility owned or  
20 operated by the State, including all enclosed places in the hospital or facility  
21 and the surrounding outdoor property.

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

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

5        § 140. TOBACCO USE PROHIBITED ON PUBLIC SCHOOL GROUNDS

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

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

14       § 3504. TOBACCO USE PROHIBITED AT CHILD CARE FACILITIES

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

18       (b) No person shall be permitted to use tobacco products or tobacco  
19       substitutes as defined in 7 V.S.A. § 1001 on the premises, both indoor and in  
20       the outdoor area designated for child care, of a licensed or registered family  
21       child care home while children are present and in care. If smoking occurs on

1 the premises during other times, the family child care home shall notify  
2 prospective families prior to enrolling a child in the family child care home  
3 that their child will be exposed to an environment in which tobacco products or  
4 tobacco substitutes, or both, are used.

5 Sec. 6. 7 V.S.A. § 1001 is amended to read:

6 § 1001. DEFINITIONS

7 As used in this chapter:

8 \* \* \*

9 (8) “Tobacco substitute” means products including electronic cigarettes  
10 or other electronic or battery-powered devices that contain and are designed to  
11 deliver nicotine or other substances into the body through inhaling vapor and  
12 that have not been approved by the ~~United States~~ U.S. Food and Drug  
13 Administration for tobacco cessation or other medical purposes. Products that  
14 have been approved by the U.S. Food and Drug Administration for tobacco  
15 cessation or other medical purposes shall not be considered to be tobacco  
16 substitutes.

17 Sec. 7. EFFECTIVE DATE

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

19 and that after passage the title of the bill be amended to read: “An act relating  
20 to smoking in lodging establishments, hospitals, and child care facilities, and  
21 on State lands”

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(Committee vote: \_\_\_\_\_)

\_\_\_\_\_

Representative \_\_\_\_\_

FOR THE COMMITTEE