

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

H.217

Introduced by Representatives Frank of Underhill, Batchelor of Derby,  
Krowinski of Burlington, and Mrowicki of Putney

Referred to Committee on

Date:

Subject: Health; occupational health; smoking

Statement of purpose of bill as introduced: This bill proposes to extend  
restrictions on smoking in workplaces and areas of public access to include  
certain partially enclosed structures, lodging establishments, and state lands.

An act relating to smoking in partially enclosed structures, lodging  
establishments, and state lands

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

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 this subchapter, “workplace” means an enclosed  
or partially enclosed structure where employees perform services for an  
employer or, in the case of an employer who assigns employees to  
departments, divisions, or similar organizational units, the enclosed or partially  
enclosed portion of a structure to which the employee is assigned.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

\* \* \*

(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 rented to guests.

\* \* \*

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 buildings, offices, means of transportation, common carrier waiting rooms, arcades, restaurants, bars and cabarets, retail stores, grocery stores, libraries, theaters, concert halls, auditoriums, arenas, barber shops, hair salons, laundromats, shopping malls, museums, art galleries, sports and fitness facilities, planetariums, historical sites, lodging establishments for transient traveling or public vacationing, such

1 as resorts, hotels and motels, common areas of nursing homes, hospitals,  
2 ~~resorts, hotels and motels,~~ including the lobbies, hallways, elevators,  
3 restaurants, restrooms, cafeterias, and buildings or facilities owned or operated  
4 by a social, fraternal, or religious club.

5 (3) “Enclosed or partially enclosed” means closed in by a roof or  
6 overhang and at least two walls of building materials, canvas, or other material  
7 that impedes air flow. Enclosed or partially enclosed areas include areas  
8 commonly described as public lobbies, interior courtyards, patios, porches, and  
9 covered decks and walkways.

10 ~~(3)~~(4) “Publicly owned buildings and offices” means enclosed and  
11 partially enclosed indoor places or portions of such places owned, leased, or  
12 rented by state, county, or municipal governments, or by agencies supported by  
13 appropriation of, or by contracts or grants from, funds derived from the  
14 collection of federal, state, county, or municipal taxes.

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

16 § 1742. RESTRICTIONS ON SMOKING IN PUBLIC PLACES

17 | The possession of lighted tobacco products in any form is prohibited in: the  
18 | common areas of all enclosed ~~indoor~~ and partially enclosed places of public  
19 | access ~~and~~; in designated smoke free areas of [property or grounds owned or](#)  
20 | [leased by the State for State use](#) ,and in any other area [within 50 feet of](#)  
21 | publicly owned buildings and offices.

1 Sec. 5 16 V.S.A. § 140 is amended to read:

2 16 V.S.A. § 140. Tobacco use prohibited on public school grounds

3 No person shall be permitted to use tobacco products or tobacco substitutes, as

4 defined in 7 V.S.A. 1001, on public school grounds and no student shall be

5 permitted to use tobacco at public school sponsored functions. Each public

6 school board shall adopt policies prohibiting the possession and use of tobacco

7 products by students at all times while under the supervision of school staff.

8 These policies shall include confiscation and appropriate referrals to law

9 enforcement authorities.

10 Sec. 6 32 V.S.A. § 3502(d) is amended to read:

11

12 (d)(3) No person shall be permitted to use tobacco products or tobacco,

13 substitutes as defined in 7 V.S.A. 1001, on the grounds of any licensed child

14 care facility.

15

16

17

18

19 Sec. 4. EFFECTIVE DATE

20 This act shall take effect on July 1, 2013.