

Initiative Measure No. 1016

Filed

FEB 22 2008

SECRETARY OF STATE

1 AN ACT Relating to smoking in public places; amending RCW
2 70.160.020; and creating new sections.

3 BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

4 Sec. 1. RCW 70.160.020 and 2006 c 2 s 2 are each amended to read
5 as follows:

6 As used in this chapter, the following terms have the meanings
7 indicated unless the context clearly indicates otherwise.

8 (1) "Smoke" or "smoking" means the carrying or smoking of any kind
9 of lighted pipe, cigar, cigarette, or any other lighted smoking
10 equipment.

11 (2) "Public place" means that portion of any building or vehicle
12 used by and open to the public, regardless of whether the building or
13 vehicle is owned in whole or in part by private persons or entities,
14 the state of Washington, or other public entity, and regardless of
15 whether a fee is charged for admission, and includes a presumptively
16 reasonable minimum distance, as set forth in RCW 70.160.075, of twenty-
17 five feet from entrances, exits, windows that open, and ventilation
18 intakes that serve an enclosed area where smoking is prohibited. A

1 public place does not include a private residence unless the private
2 residence is used to provide licensed child care, foster care, adult
3 care, or other similar social service care on the premises.

4 Public places include, but are not limited to: Schools, elevators,
5 public conveyances or transportation facilities, museums, concert
6 halls, theaters, auditoriums, exhibition halls, indoor sports arenas,
7 hospitals, nursing homes, health care facilities or clinics, enclosed
8 shopping centers, retail stores, retail service establishments,
9 financial institutions, educational facilities, ticket areas, public
10 hearing facilities, state legislative chambers and immediately adjacent
11 hallways, public restrooms, libraries, restaurants, waiting areas,
12 lobbies, bars, taverns, bowling alleys, skating rinks, casinos,
13 reception areas, and no less than seventy-five percent of the sleeping
14 quarters within a hotel or motel that are rented to guests. A public
15 place does not include (~~a private residence~~) cigar stores or cigar
16 bars. This chapter is not intended to restrict smoking in private
17 facilities which are occasionally open to the public except upon the
18 occasions when the facility is open to the public.

19 (3) "Place of employment" means any area under the control of a
20 public or private employer which employees are required to pass through
21 during the course of employment, including, but not limited to:
22 Entrances and exits to the places of employment, and including a
23 presumptively reasonable minimum distance, as set forth in RCW
24 70.160.075, of twenty-five feet from entrances, exits, windows that
25 open, and ventilation intakes that serve an enclosed area where smoking
26 is prohibited; work areas; restrooms; conference and classrooms; break
27 rooms and cafeterias; and other common areas. A private residence or
28 home-based business, unless used to provide licensed child care, foster
29 care, adult care, or other similar social service care on the premises,
30 is not a place of employment. "Place of employment" does not include
31 cigar stores or cigar bars. This chapter is not intended to restrict
32 smoking in private facilities which are occasionally open to the public
33 except upon the occasions when the facility is open to the public.

34 (4) "Cigar store" means a business that is an establishment (a)
35 open to the public; (b) where smoking is permitted; (c) designated and
36 clearly advertised as a place that sells tobacco; (d) where the primary
37 activity of the business is the sale of tobacco products and

1 accessories, other than cigarettes, and the sale of other products is
2 incidental to the business; and (e) where persons under the age of
3 eighteen are prohibited.

4 (5) "Cigar bar" means a business that is an establishment (a) open
5 to the public; (b) where smoking is permitted; (c) that is a bar
6 devoted to the sale and service of alcoholic beverages or on-premises
7 consumption and where the service of food is only incidental to the
8 consumption of such beverages; (d) advertised and engaged in the
9 business of selling cigars; and (e) that generates twenty-five thousand
10 dollars or more of the business's annual gross income from the on-site
11 sale of cigars.

12 NEW SECTION. Sec. 2. The provisions of this act are to be
13 liberally construed to effectuate the intent, policies, and purposes of
14 this act.

15 NEW SECTION. Sec. 3. If any provision of this act or its
16 application to any person or circumstance is held invalid, the
17 remainder of the act or the application of the provision to other
18 persons or circumstances is not affected.

19 NEW SECTION. Sec. 4. This act may be known and cited as the cigar
20 bar relief act.

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