

FORMATTING NOTE:

In initiatives, legislative bills and other proposed measures, language that is to be deleted from current statutes is represented by a "strikethrough" character and language that is to be added is underlined. Because these special characters cannot be formatted in all Internet browsers, a different set of symbols is used for presenting these proposals on-line. The symbols are as follows:

- Text that is surrounded by (({- text here -})) is text that will be DELETED FROM the existing statute if the proposed measure is approved.
- Text that is surrounded by {+ text here +} is text that will be ADDED TO the existing statute if the proposed measure is approved.
- {+ NEW SECTION+} (found at the beginning of a section or paragraph) indicates that ALL of the text in that section will become law if the proposed measure is approved.

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INITIATIVE 714

AN ACT Relating to the Washington clean indoor air act; amending RCW 70.160.010, 70.160.020, 70.160.030, 70.160.050, 70.160.070, and 70.160.100; repealing RCW 70.160.040; prescribing penalties; and providing an effective date.

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

Sec. 1. RCW 70.160.010 and 1985 c 236 s 1 are each amended to read as follows:

The legislature recognizes the increasing evidence that tobacco smoke in closely confined places (({- may -})) {+ does +} create a danger to the health of some citizens of this state. In order to protect the health and welfare of those citizens, it is necessary to prohibit smoking in public places (({- except in areas designated as smoking areas -})).

Sec. 2. RCW 70.160.020 and 1985 c 236 s 2 are each amended to read as follows:

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

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

(2) "Public place" means that portion of any building or vehicle used by and open to the public, regardless of whether the building or vehicle is owned in whole or in part by private persons or entities, the state of Washington, or other public entity, and regardless of whether a fee is charged for admission.

Public places include, but are not limited to: Elevators, public conveyances or transportation facilities, museums, concert halls, theaters, auditoriums, exhibition halls, indoor sports arenas, hospitals, nursing homes, health care facilities or clinics, (({- enclosed -})) shopping centers, retail stores, retail service establishments, financial institutions, educational facilities, ticket areas, public hearing facilities, state legislative chambers and immediately adjacent hallways, public restrooms, libraries, restaurants, waiting areas, {+ casinos, bars, taverns, bowling alleys, +} lobbies, and reception areas. A public place does not include a

private residence. This chapter is not intended to restrict smoking in private facilities which are occasionally open to the public except upon the occasions when the facility is open to the public.

(3) "Restaurant" means any building, structure, or area used, maintained, or advertised as, or held out to the public to be, an enclosure where meals are made available to be consumed on the premises, for consideration of payment.

{+ (4) "Casinos" means any building, structure, or area used, maintained, or advertised as, or held out to the public to be, an enclosure where gambling is allowed.

(5) "Bars" and "taverns" mean any building, structure, or area used, maintained, or advertised as, or held out to the public to be, an enclosure where beer, liquor, wine, or spirits are made available to be consumed on the premises, for consideration of payment.

(6) "Tobacco shop" means any building, structure, or area used, maintained, or advertised as, or held out to the public to be, an enclosure where only tobacco, tobacco products, pipes, and tobacco papers are sold on the premises, for consideration of payment. +}

Sec. 3. RCW 70.160.030 and 1985 c 236 s 3 are each amended to read as follows:

No person may smoke in a public place except in (({- designated smoking areas -})) {+ a tobacco shop +}.

Sec. 4. RCW 70.160.050 and 1985 c 236 s 5 are each amended to read as follows:

Owners, or in the case of a leased or rented space the lessee or other person in charge, of a place regulated under this chapter shall make every reasonable effort to prohibit smoking in public places by posting signs prohibiting or permitting smoking (({- as appropriate under this chapter -})). Signs shall be posted conspicuously at each building entrance. In the case of retail stores and retail service establishments, signs shall be posted conspicuously at each entrance and in prominent locations throughout the place. (({- The boundary between a nonsmoking area and a smoking permitted area shall be clearly designated so that persons may differentiate between the two areas. - })))

Sec. 5. RCW 70.160.070 and 1985 c 236 s 7 are each amended to read as follows:

(1) Any person intentionally violating this chapter by smoking in a public place (({- not designated as a smoking area -}))) {+ other than a tobacco shop +} or any person removing, defacing, or destroying a sign required by this chapter is subject to a civil fine of (({- up to one -})) {+ not less than five +} hundred dollars {+ for the first offense, not less than one thousand dollars for the second offense and increasing one hundred dollars for any offense, thereafter in a sixty-day period from the first offense +}. Local law enforcement agencies shall enforce this section by issuing a notice of infraction to be assessed in the same manner as traffic infractions. The provisions contained in chapter 46.63 RCW for the disposition of traffic infractions apply to the disposition of infractions for violation of this subsection except as follows:

(a) The provisions in chapter 46.63 RCW relating to the provision of records to the department of licensing in accordance with RCW 46.20.270 are not applicable to this chapter; and

(b) The provisions in chapter 46.63 RCW relating to the imposition of sanctions against a person's driver's license or vehicle license are

not applicable to this chapter.

The form for the notice of infraction for a violation of this subsection shall be prescribed by rule of the supreme court.

(2) When violations of RCW (({- 70.160.040 -})) {+ 70.160.030 +} or 70.160.050 occur, a warning shall first be given to the owner or other person in charge. Any subsequent violation is subject to a civil fine of (({- up to one -})) {+ not less than five +} hundred dollars. Each day upon which a violation occurs or is permitted to continue constitutes a separate violation.

(3) Local fire departments or fire districts shall enforce RCW (({- 70.160.040 -})) {+ 70.160.030 +} or 70.160.050 regarding the duties of owners or persons in control of public places, and local health departments shall enforce RCW (({- 70.160.040 -})) {+ 70.160.030 +} or 70.160.050 regarding the duties of owners of restaurants by either of the following actions:

(a) Serving notice requiring the correction of any violation {+ and issuing a notice of infraction +}; or

(b) Calling upon the city or town attorney or county prosecutor to maintain an action for an injunction to enforce RCW (({- 70.160.040 -})) {+ 70.160.030 +} and 70.160.050, to correct a violation, and to assess and recover a civil penalty for the violation.

Sec. 6. RCW 70.160.100 and 1985 c 236 s 8 are each amended to read as follows:

Any penalty assessed and recovered in an action brought under this chapter shall be paid to the city or county bringing the action {+ and used to discourage children from smoking +}.

{+ NEW SECTION. +} Sec. 7. RCW 70.160.040 (Designation of smoking areas in public places--Exceptions--Restaurant smoking areas--Entire facility or area may be designated as nonsmoking) and 1985 c 236 s 4 are each repealed.

{+ NEW SECTION. +} Sec. 8. This act takes effect January 1, 2001.

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