

YMCA YOUTH LEGISLATURE OF THE STATE OF MONTANA

_____ Bill Number _____

Legislative Action:

Introduced by: Representative Thomas Pezzarossi
 Authored by: Katlin Henneberry

House Committee: _____
 House: _____
 Senate Committee: _____
 Senate: _____
 Governor: _____

Delegation: Miles City

Referred to Committee: _____

1 A BILL FOR AN ACT ENTITLED: A BILL FOR AN ACT ENTITLED: "To Amend MCA
 2 50-40-103 to Restrict Smoking in Outdoor Recreation Areas. "

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4 BE IT ENACTED BY THE MONTANA YMCA YOUTH LEGISLATURE:

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6 **Section 1.** Short title: Clean Air for Outdoor Recreation Areas.

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8 **Section 2.** MCA 50-40-103 is amended to read: **50-40-103. Definitions.** As used in this part,
 9 the following definitions apply:

10 (1) "Bar" means an establishment with a license issued pursuant to Title 16, chapter 4,
 11 that is devoted to serving alcoholic beverages for consumption by guests or patrons on the
 12 premises and in which the serving of food is only incidental to the service of alcoholic
 13 beverages or gambling operations, including but not limited to taverns, night clubs,
 14 cocktail lounges, and casinos.

15 (2) "Department" means the department of public health and human services provided
 16 for in 2-15-2201.

17 (3) "Enclosed public place" means an indoor area, room, ~~or~~ vehicle, or outdoor recreation
 18 area that the general public is allowed to enter or that serves as a place of work, including but
 19 not limited to the following:

20 (a) restaurants;

21 (b) stores;

22 (c) public and private office buildings and offices, including all office buildings and
 23 offices of political subdivisions, as provided for in 50-40-20, and state government;

24 (d) trains, buses, and other forms of public transportation;

25 (e) health care facilities;

26 (f) auditoriums, arenas, and assembly facilities;

27 (g) meeting rooms open to the public;

28 (h) bars;

29 (i) community college facilities;

30 (j) facilities of the Montana university system; and

31 (k) public schools, as provided for in 20-1-220 and 50-40-104;

32 (l) camping and fishing grounds, parks, outdoor sports facilities and fairgrounds.

33 (4) "Establishment" means an enterprise under one roof that serves the public and for

34 which a single person, agency, corporation, or legal entity is responsible.
35 (5) "Incidental to the service of alcoholic beverages or gambling operations" means that
36 At least 60% of the business's annual gross income comes from the sale of alcoholic
37 beverages or gambling receipts, or both.
38 (6) "Person" means an individual, partnership, corporation, association, political
39 subdivision, or other entity.
40 (7) "Place of work" means an enclosed room where one or more individuals work.
41 (8) "Smoking" or "to smoke" includes the act of lighting, smoking, or carrying a lighted
42 cigar, cigarette, pipe, or any smokable product.

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44 **Section 3.** This act will become effective upon passage.
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47 **-end-**
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