

# 2009 SESSION

INTRODUCED

097655260

## SENATE BILL NO. 870

Offered January 14, 2009

Prefiled December 29, 2008

A *BILL to amend and reenact §§ 15.2-2803 and 15.2-2809 of the Code of Virginia and to repeal §§ 15.2-2806 and 15.2-2807 of the Code of Virginia, relating to local ordinances under the Virginia Indoor Clean Air Act.*

Patron—Lucas

Referred to Committee on Local Government

### Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-2803 and 15.2-2809 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-2803. Ordinances regulating smoking.

A. No ordinances enacted by a locality prior to January 1, 1990, shall be deemed invalid or unenforceable because of lack of consistency with the provisions of this chapter.

B. Unless specifically permitted in this chapter, ordinances adopted after January 1, 1990, shall not contain provisions or standards which exceed those established in this chapter. Nothing in this chapter shall be construed to prevent a locality from adopting or enforcing an ordinance regulating smoking that exceeds the requirements set forth herein.

§ 15.2-2809. Enforcement of ordinances.

A. Any ordinance may provide a civil penalty of not more than twenty-five dollars for violations of any provision of such ordinance.

B. Any ordinance may provide that no person shall smoke in a designated no-smoking area and any person who continues to smoke in such area after being asked to refrain from smoking may be subject to a civil penalty of not more than twenty-five dollars.

C. Any ordinance shall provide that any law-enforcement officer may issue a summons regarding a violation of the ordinance.

2. That §§ 15.2-2806 and 15.2-2807 of the Code of Virginia are repealed.

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