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HOUSE BILL NO. 1239

Offered January 25, 1994

A BILL to amend and reenact §§ 15.1-291.2 and 22.1-131 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 22.1-135.1, relating to Virginia Healthy Children Act.

Patrons—Almand, Cohen, Connally, Darner, Hull, Keating, Mayer, Plum, Puller, Scott, Van Lanningham and Van Yahres; Senator: Holland, C.A.

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.1-291.2 and 22.1-131 the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 22.1-135.1, as follows:

§ 15.1-291.2. Statewide regulation of smoking.

A. The Commonwealth or any agency thereof and every county, city, or town shall provide reasonable no-smoking areas, considering the nature of the use and the size of the building, in any building owned or leased by the Commonwealth or any agency thereof or a county, city, or town. The provisions of this chapter shall not apply to office, work or other areas of the Department of Corrections which are not entered by the general public in the normal course of business or use of the premises.

B. Smoking shall be prohibited in (i) elevators, regardless of capacity, except in any open material hoist elevator, not intended for use by the public; (ii) public school buses; (iii) ~~common areas in~~ any public elementary, intermediate, and secondary school, including, but not limited to classrooms, libraries, hallways, auditoriums, and other facilities; (iv) hospital emergency rooms; (v) local or district health departments; (vi) polling rooms; and (vii) indoor service lines and cashier lines.

C. Any restaurant having a seating capacity of fifty or more persons shall have a designated no-smoking area sufficient to meet customer demand. In determining the extent of the no-smoking area, the following shall not be included as seating capacity: (i) seats in any bar or lounge area of a restaurant and (ii) seats in any separate room or section of a restaurant which is used exclusively for private functions.

D. The proprietor or other person in charge of an educational facility, *except any public elementary, intermediate, or secondary school*, health care facility, or a retail establishment of 15,000 square feet or more serving the general public, including, but not limited to, department stores, grocery stores, drug stores, clothing stores, and shoe stores, shall designate reasonable no-smoking areas, considering the nature of the use and the size of the building.

E. The proprietor or other person in charge of a space subject to the provisions of this chapter shall post signs conspicuous to public view stating "Smoking Permitted" or "No Smoking," and in restaurants, signs conspicuous to ordinary public view at or near each public entrance stating "No-Smoking Section Available." Any person failing to post such signs may be subject to a civil penalty of not more than twenty-five dollars.

F. No person shall smoke in a designated no-smoking area and any person who continues to smoke in such area after having been asked to refrain from smoking may be subject to a civil penalty of not more than twenty-five dollars.

G. Any law-enforcement officer may issue a summons regarding a violation of this chapter.

H. The provisions of this chapter shall not be construed to regulate smoking in retail tobacco stores, tobacco warehouses or tobacco manufacturing facilities.

§ 22.1-131. Boards may permit use of school property; general conditions.

A school board may permit the use, upon such terms and conditions as it deems proper, of such school property as will not impair the efficiency of the schools. The school board may authorize the division superintendent to permit use of the school property under such conditions as it deems proper. The division superintendent shall report to the school board at the end of each month his actions under this section. Permitted uses may include, *but not be limited to*, use for educational forums, meetings and events of substance abuse rehabilitation and counseling groups, as voting places in any primary, regular or special election, and for the operation of a local or regional library pursuant to an agreement between the school board and a library board created as provided in § 42.1-35.

§ 22.1-135.1. Smoking prohibited in public schools; exceptions.

INTRODUCED

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