

# 1996 SESSION

INTRODUCED

963098196

## HOUSE BILL NO. 811

Offered January 22, 1996

A *BILL to amend and reenact §§ 15.1-291.4 and 15.1-291.8 of the Code of Virginia, relating to the Virginia Indoor Clean Air Act.*

Patron—Darner

Referred to Committee on Counties, Cities and Towns

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

**1. That §§ 15.1-291.4 and 15.1-291.8 of the Code of Virginia are amended and reenacted as follows:**

§ 15.1-291.4. Local ordinances regulating smoking.

A. No ordinances enacted by a county, city, or town 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 herein, *or in accordance with subsection C*, local ordinances adopted after January 1, 1990, shall not contain provisions or standards which exceed those established in this chapter.

C. *Any county, city or town may adopt an ordinance which contains provisions or standards which exceed those established in this chapter if the ordinance is approved by referendum. The governing body may petition the circuit court for the locality for a court order calling a referendum, and the referendum shall be conducted in accordance with § 24.2-684.*

§ 15.1-291.8. Chapter's application to certain local ordinances.

~~Local~~ Unless specifically permitted herein, *or in accordance with subsection C of § 15.1-291.4*, local ordinances adopted after January 1, 1990, shall not contain provisions or standards which exceed those established in this chapter. However, any local ordinance may provide that employers may regulate smoking in the private work place as they deem appropriate under the following circumstances: (i) if the designation of smoking and no-smoking areas is the subject of a written agreement between the employer and his employees, the provisions of the written agreement shall control such designation and (ii) a total ban on smoking in any work place shall only be enforced by the employer upon an affirmative vote of a majority of the affected employees voting, unless such ban is the subject of a contract of employment between the employer and the employees as a prior condition of employment. No such ordinance shall affect no-smoking policies established by employers prior to the adoption of such ordinance.

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