

2008 SESSION

INTRODUCED

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HOUSE BILL NO. 1432

Offered January 14, 2008

A BILL to amend and reenact § 15.2-2807 of the Code of Virginia, relating to ordinances regulating smoking in restaurants.

Patrons—Howell, A.T., Barlow, Brink, Plum, Sickles, Ward and Watts

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2807 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2807. Chapter's application to certain ordinances.

Ordinances A. Unless specifically permitted by this chapter, ordinances adopted after January 1, 1990, shall not contain provisions or standards which exceed those established in this chapter. However, any 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.

B. Any ordinance adopted by a city having a population of 200,000 or more, according to the most recent Weldon Cooper Center estimate, may contain provisions or standards related to smoking in restaurants that exceed those established in this chapter.

For the purposes of this section, "restaurant" means any enclosed eating establishment, including, but not limited to, fast food enterprises, coffee shops, cafeterias, and other entities licensed as such by the Board of Health, including bar or lounge areas. Open-air eating areas such as food carts shall not be included in this definition.

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