

---

SENATE BILL 5487

---

State of Washington

57th Legislature

2001 Regular Session

By Senators Morton and Oke

Read first time 01/24/2001. Referred to Committee on Labor, Commerce & Financial Institutions.

1 AN ACT Relating to smoking in casinos; and amending RCW 70.160.020  
2 and 70.160.040.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 70.160.020 and 1985 c 236 s 2 are each amended to read  
5 as follows:

6 As used in this chapter, the following terms have the meanings  
7 indicated unless the context clearly indicates otherwise.

8 (1) "Smoke" or "smoking" means the carrying or smoking of any kind  
9 of lighted pipe, cigar, cigarette, or any other lighted smoking  
10 equipment.

11 (2) "Public place" means that portion of any building or vehicle  
12 used by and open to the public, regardless of whether the building or  
13 vehicle is owned in whole or in part by private persons or entities,  
14 the state of Washington, or other public entity, and regardless of  
15 whether a fee is charged for admission.

16 Public places include, but are not limited to: Elevators, public  
17 conveyances or transportation facilities, museums, concert halls,  
18 theaters, auditoriums, exhibition halls, indoor sports arenas,  
19 hospitals, nursing homes, health care facilities or clinics, enclosed

1 shopping centers, retail stores, retail service establishments,  
2 financial institutions, educational facilities, ticket areas, public  
3 hearing facilities, state legislative chambers and immediately adjacent  
4 hallways, public restrooms, libraries, restaurants, waiting areas,  
5 lobbies, ~~((and))~~ reception areas, and facilities licensed by the  
6 gambling commission to operate house-banked cardrooms. A public place  
7 does not include a private residence. This chapter is not intended to  
8 restrict smoking in private facilities which are occasionally open to  
9 the public except upon the occasions when the facility is open to the  
10 public.

11 (3) "Restaurant" means any building, structure, or area used,  
12 maintained, or advertised as, or held out to the public to be, an  
13 enclosure where meals are made available to be consumed on the  
14 premises, for consideration of payment.

15 **Sec. 2.** RCW 70.160.040 and 1985 c 236 s 4 are each amended to read  
16 as follows:

17 (1) A smoking area may be designated in a public place by the owner  
18 or, in the case of a leased or rented space, by the lessee or other  
19 person in charge except in:

20 (a) Elevators; buses, except for private hire; streetcars; taxis,  
21 except those clearly and visibly designated by the owner to permit  
22 smoking; public areas of retail stores and lobbies of financial  
23 institutions; office reception areas and waiting rooms of any building  
24 owned or leased by the state of Washington or by any city, county, or  
25 other municipality in the state of Washington; museums; public meetings  
26 or hearings; classrooms and lecture halls of schools, colleges, and  
27 universities; and the seating areas and aisle ways which are contiguous  
28 to seating areas of concert halls, theaters, auditoriums, exhibition  
29 halls, and indoor sports arenas; and

30 (b) Hallways of health care facilities, with the exception of  
31 nursing homes, and lobbies of concert halls, theaters, auditoriums,  
32 exhibition halls, and indoor sports arenas, if the area is not  
33 physically separated. Owners or other persons in charge are not  
34 required to incur any expense to make structural or other physical  
35 modifications in providing these areas.

36 Except as provided in other provisions of this chapter, no public  
37 place, other than a bar, tavern, bowling alley, tobacco shop, or  
38 restaurant, may be designated as a smoking area in its entirety.

1 However, if a bar, tavern, bowling alley, or restaurant is licensed by  
2 the gambling commission to operate a house-banked cardroom, it may not  
3 be designated as a smoking area in its entirety. If a bar, tobacco  
4 shop, or restaurant is designated as a smoking area in its entirety,  
5 this designation shall be posted conspicuously on all entrances  
6 normally used by the public.

7 (2) Where smoking areas are designated, existing physical barriers  
8 and ventilation systems shall be used to minimize the toxic effect of  
9 smoke in adjacent nonsmoking areas.

10 (3) Managers of restaurants who choose to provide smoking areas  
11 shall designate an adequate amount of seating to meet the demands of  
12 restaurant patrons who wish to smoke. Owners of restaurants are not  
13 required to incur any expense to make structural or other physical  
14 modifications in providing these areas. Restaurant patrons shall be  
15 informed that separate smoking and nonsmoking sections are available.

16 (4) Except as otherwise provided in this chapter, a facility or  
17 area may be designated in its entirety as a nonsmoking area by the  
18 owner or other person in charge.

--- END ---