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**SUBSTITUTE HOUSE BILL 1532**

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**State of Washington**

**58th Legislature**

**2003 Regular Session**

**By** House Committee on Health Care (originally sponsored by Representatives Quall, Cox, Schual-Berke, Kenney, Pflug, McDermott, Simpson, Hunt, Rockefeller and Kagi)

READ FIRST TIME 02/24/03.

1 AN ACT Relating to prohibition of smoking in residence halls at  
2 public institutions of higher education; amending RCW 70.160.040; and  
3 creating new sections.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that millions of  
6 dollars are spent each year to discourage the youth of this state from  
7 using tobacco products. The legislature also finds that tobacco use  
8 causes Washington state citizens to pay billions of dollars in health  
9 care costs. However, the legislature finds that there are policies at  
10 the public institutions of higher education that enable students to use  
11 tobacco products in publicly owned residence halls.

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

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

17 (a) Elevators; buses, except for private hire; streetcars; taxis,  
18 except those clearly and visibly designated by the owner to permit

1 smoking; public areas of retail stores and lobbies of financial  
2 institutions; office reception areas and waiting rooms of any building  
3 owned or leased by the state of Washington or by any city, county, or  
4 other municipality in the state of Washington; museums; public meetings  
5 or hearings; classrooms (~~and~~), lecture halls, and residence halls of  
6 schools, colleges, and universities; and the seating areas and aisle  
7 ways which are contiguous to seating areas of concert halls, theaters,  
8 auditoriums, exhibition halls, and indoor sports arenas; and

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

15 Except as provided in other provisions of this chapter, no public  
16 place, other than a bar, tavern, bowling alley, tobacco shop, or  
17 restaurant, may be designated as a smoking area in its entirety. If a  
18 bar, tobacco shop, or restaurant is designated as a smoking area in its  
19 entirety, this designation shall be posted conspicuously on all  
20 entrances normally used by the public.

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

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

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

33 NEW SECTION. **Sec. 3.** The higher education coordinating board  
34 shall adopt a rule defining "residence hall" for the purposes of this  
35 act.

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