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HOUSE BILL 1253

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State of Washington                      59th Legislature                      2005 Regular Session

By Representatives Kirby and Hunt

Read first time 01/19/2005. Referred to Committee on Health Care.

1            AN ACT Relating to designated smoking area requirements; and  
2 amending RCW 70.160.040 and 70.160.050.

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

4            **Sec. 1.** RCW 70.160.040 and 1985 c 236 s 4 are each amended to read  
5 as follows:

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

9            (a) Elevators; buses, except for private hire; streetcars; taxis,  
10 except those clearly and visibly designated by the owner to permit  
11 smoking; public areas of retail stores and lobbies of financial  
12 institutions; office reception areas and waiting rooms of any building  
13 owned or leased by the state of Washington or by any city, county, or  
14 other municipality in the state of Washington; museums; public meetings  
15 or hearings; classrooms and lecture halls of schools, colleges, and  
16 universities; and the seating areas and aisle ways which are contiguous  
17 to seating areas of concert halls, theaters, auditoriums, exhibition  
18 halls, and indoor sports arenas; and

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

7 Except as provided in other provisions of this chapter, no public  
8 place, other than a charitable or nonprofit licensed bingo facility,  
9 bar, tavern, bowling alley, card room, tobacco shop, or restaurant, may  
10 be designated as a smoking area in its entirety. If a bar, tobacco  
11 shop, or restaurant is designated as a smoking area in its entirety,  
12 this designation shall be posted conspicuously on all entrances  
13 normally used by the public.

14 (2) Where smoking areas are designated, (~~existing~~) physical  
15 barriers and ventilation systems shall be used to minimize the toxic  
16 effect of smoke in adjacent nonsmoking areas. In nonsmoking areas,  
17 nitrogen dioxide and hydrogen cyanide levels shall not exceed twenty  
18 parts per million.

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

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

28 (5) A person under the age of eighteen is not allowed in the  
29 designated smoking area of a bar, tavern, bowling alley, or restaurant.

30 **Sec. 2.** RCW 70.160.050 and 1985 c 236 s 5 are each amended to read  
31 as follows:

32 (1) Owners, or in the case of a leased or rented space the lessee  
33 or other person in charge, of a place regulated under this chapter  
34 shall make every reasonable effort to prohibit smoking in public places  
35 by posting signs prohibiting or permitting smoking as appropriate under  
36 this chapter. Signs shall be posted conspicuously at each building  
37 entrance. In the case of retail stores and retail service

1 establishments, signs shall be posted conspicuously at each entrance  
2 and in prominent locations throughout the place. The boundary between  
3 a nonsmoking area and a smoking permitted area shall be clearly  
4 designated so that persons may differentiate between the two areas.

5 (2) An employer shall disclose to a prospective employee that all  
6 or a portion of the establishment that the prospective employee would  
7 work at is a designated smoking area.

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