
HOUSE BILL 1559

State of Washington 59th Legislature 2005 Regular Session

By Representatives Grant, Kirby, Fromhold, Curtis, Hunt, Hankins and
Condotta

Read first time 01/27/2005. Referred to Committee on Health Care.

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

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

4 NEW SECTION. **Sec. 1.** It is the intent of the legislature to
5 strengthen statewide policy relating to indoor air standards, while
6 protecting the rights, interests, health, and choices based on credible
7 scientific findings. It is too easy to unfairly burden local economies
8 through patchwork policy. State law preempts local options.

9 Local governments may establish standards consistent with this act,
10 but may not exceed state law nor eliminate choices as offered by state
11 law.

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 of schools, colleges, and
6 universities; and the seating areas and aisle ways which are contiguous
7 to seating areas of concert halls, theaters, auditoriums, exhibition
8 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, card room, tobacco
17 shop, ~~((or))~~ restaurant, or licensed charitable bingo hall, may be
18 designated as a smoking area in its entirety. If a bar, tobacco shop,
19 or restaurant is designated as a smoking area in its entirety, this
20 designation shall be posted conspicuously on all entrances normally
21 used by the public.

22 (2) Where smoking areas are designated, ~~((existing))~~ physical
23 barriers ~~((and))~~ or ventilation systems shall be used to minimize the
24 ~~((toxic))~~ effect of environmental tobacco smoke in adjacent nonsmoking
25 areas. Barriers or ventilation systems shall be used to provide indoor
26 air that meets the following standards with respect to environmental
27 tobacco smoke constituents:

28 (a) In nonsmoking areas, vapor phase nicotine as measured by an
29 eight-hour time weighted average shall not exceed one hundred
30 micrograms per cubic meter of air or twenty percent of the current
31 United States department of labor, occupational safety and health
32 administration permissible exposure limit, whichever is less, and
33 carbon monoxide as measured by an eight-hour time weighted average
34 shall not exceed forty parts per million or eighty percent of the
35 current United States department of labor, occupational safety and
36 health administration permissible exposure limit, whichever is less.

37 (b) In designated smoking areas, vapor phase nicotine as measured
38 by an eight-hour time weighted average shall not exceed two hundred

1 micrograms per cubic meter of air or forty percent of the current
2 United States department of labor, occupational safety and health
3 administration permissible exposure limit, whichever is less, and
4 carbon monoxide as measured by an eight-hour time weighted average
5 shall not exceed fifty parts per million or one hundred percent of the
6 current United States department of labor, occupational safety and
7 health administration permissible exposure limit, whichever is less.

8 (3) Managers of restaurants who choose to provide smoking areas
9 shall designate an adequate amount of seating to meet the demands of
10 restaurant patrons who wish to smoke. Owners of restaurants are not
11 required to incur any expense to make structural or other physical
12 modifications in providing these areas as long as the indoor air in the
13 facility meets or exceeds the standards specified in subsection (2) of
14 this section. Restaurant patrons shall be informed that separate
15 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.

19 (5) Persons under the age of eighteen are prohibited from entering
20 the designated smoking area of a bar, tavern, bowling alley, bingo
21 hall, card room, private facility, or other public venue. Employees
22 under the age of eighteen are prohibited from performing duties in
23 designated smoking areas.

24 (6) A proceeding brought by a local or state agency to enforce this
25 section must include specification of contemporaneous onsite testing
26 for the described facility or business establishment that credibly
27 demonstrates indoor air at the business or facility fails to meet the
28 standards set forth in this section.

29 **Sec. 3.** RCW 70.160.050 and 1985 c 236 s 5 are each amended to read
30 as follows:

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

1 and in prominent locations throughout the place. The boundary between
2 a nonsmoking area and a smoking permitted area shall be clearly
3 designated so that persons may differentiate between the two areas.

4 (2) An employer shall disclose to prospective employees that all or
5 a portion of the establishment that prospective employees would work at
6 is a designated smoking area. An employer shall disclose to
7 prospective employees under age eighteen that they are prohibited by
8 state law from performing duties in any designated smoking area.
9 Federal and state health and safety worker right-to-know laws and
10 manufacturer and employer suggested operating and safety requirements
11 shall apply.

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