
HOUSE BILL 2020

State of Washington 60th Legislature 2007 Regular Session

By Representatives Condotta, Ahern, Ormsby and Dunn

Read first time 02/05/2007. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to allowing designated cigar rooms in public
2 places; and amending RCW 70.160.020, 70.160.030, and 70.160.075.

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

4 **Sec. 1.** RCW 70.160.020 and 2006 c 2 s 2 (Initiative Measure No.
5 901) are each amended to read 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, and includes a presumptively
16 reasonable minimum distance, as set forth in RCW 70.160.075, of twenty-
17 five feet from entrances, exits, windows that open, and ventilation
18 intakes that serve an enclosed area where smoking is prohibited. A

1 public place does not include a private residence unless the private
2 residence is used to provide licensed child care, foster care, adult
3 care, or other similar social service care on the premises.

4 Public places include, but are not limited to: Schools, elevators,
5 public conveyances or transportation facilities, museums, concert
6 halls, theaters, auditoriums, exhibition halls, indoor sports arenas,
7 hospitals, nursing homes, health care facilities or clinics, enclosed
8 shopping centers, retail stores, retail service establishments,
9 financial institutions, educational facilities, ticket areas, public
10 hearing facilities, state legislative chambers and immediately adjacent
11 hallways, public restrooms, libraries, restaurants, waiting areas,
12 lobbies, bars, taverns, bowling alleys, skating rinks, casinos,
13 reception areas, and no less than seventy-five percent of the sleeping
14 quarters within a hotel or motel that are rented to guests. A public
15 place does not include a cigar room or a private residence. This
16 chapter is not intended to restrict smoking in private facilities which
17 are occasionally open to the public except upon the occasions when the
18 facility is open to the public.

19 (3) "Place of employment" means any area under the control of a
20 public or private employer which employees are required to pass through
21 during the course of employment, including, but not limited to:
22 Entrances and exits to the places of employment, and including a
23 presumptively reasonable minimum distance, as set forth in RCW
24 70.160.075, of twenty-five feet from entrances, exits, windows that
25 open, and ventilation intakes that serve an enclosed area where smoking
26 is prohibited; work areas; restrooms; conference and classrooms; break
27 rooms and cafeterias; and other common areas. A private residence or
28 home-based business, unless used to provide licensed child care, foster
29 care, adult care, or other similar social service care on the premises,
30 is not a place of employment.

31 (4) "Cigar room" means an enclosed and separately ventilated room
32 in a public place designated and clearly advertised as a cigar room in
33 which persons under the age of twenty-one are prohibited, and in which
34 cigar smoking is permitted.

35 (5) "Enclosed and separately ventilated" means an area that is
36 enclosed by solid walls or windows, a ceiling, and a solid door, and
37 equipped with a ventilation system that is separately exhausted from

1 any adjacent nonsmoking areas so that air from such area is not
2 recirculated to such nonsmoking area and smoke is not backstreamed into
3 nonsmoking areas.

4 (6) "Cigar" means a roll for smoking that is of any size or shape
5 and that is made wholly or in part of tobacco, irrespective of whether
6 the tobacco is pure or flavored, adulterated or mixed with any other
7 ingredient, if the roll has a wrapper made wholly or in greater part of
8 tobacco. "Cigar" does not include a cigarette.

9 **Sec. 2.** RCW 70.160.030 and 2006 c 2 s 3 (Initiative Measure No.
10 901) are each amended to read as follows:

11 (1) Except as provided in subsection (2) of this section, no person
12 may smoke in a public place or in any place of employment.

13 (2)(a) A person may smoke cigars in a cigar room.

14 (b) The cigar room shall be self-serve, and employees may not be
15 required to enter a cigar room in the course of their employment.

16 **Sec. 3.** RCW 70.160.075 and 2006 c 2 s 6 (Initiative Measure No.
17 901) are each amended to read as follows:

18 Except as provided in RCW 70.160.030(2), smoking is prohibited
19 within a presumptively reasonable minimum distance of twenty-five feet
20 from entrances, exits, windows that open, and ventilation intakes that
21 serve an enclosed area where smoking is prohibited so as to ensure that
22 tobacco smoke does not enter the area through entrances, exits, open
23 windows, or other means. Owners, operators, managers, employers, or
24 other persons who own or control a public place or place of employment
25 may seek to rebut the presumption that twenty-five feet is a reasonable
26 minimum distance by making application to the director of the local
27 health department or district in which the public place or place of
28 employment is located. The presumption will be rebutted if the
29 applicant can show by clear and convincing evidence that, given the
30 unique circumstances presented by the location of entrances, exits,
31 windows that open, ventilation intakes, or other factors, smoke will
32 not infiltrate or reach the entrances, exits, open windows, or
33 ventilation intakes or enter into such public place or place of
34 employment and, therefore, the public health and safety will be

1 adequately protected by a lesser distance.

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