

SENATE BILL NO. 147

INTRODUCED BY D. SANDS

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING CLEAN INDOOR AIR LAWS TO PROHIBIT THE USE OF VAPOR PRODUCTS; PROVIDING AN EXCEPTION THAT VAPOR PRODUCTS MAY BE USED IN A PUBLIC SCHOOL BUILDING OR ON PUBLIC SCHOOL PROPERTY FOR CERTAIN EDUCATIONAL PURPOSES; PROVIDING DEFINITIONS; AMENDING SECTIONS 20-1-220 AND 50-40-103, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 20-1-220, MCA, is amended to read:

"20-1-220. Use of tobacco product or vapor product in public school building or on public school property prohibited. (1) An individual may not use a tobacco product or vapor product in a public school building or on public school property.

(2) Subsection (1) does not apply to the use of a tobacco product or vapor product in a classroom or on other school property as part of a lecture, demonstration, or educational forum sanctioned by a school administrator or faculty member concerning the risks associated with use of a tobacco product or vapor product.

(3) The principal of an elementary or secondary school, or the principal's designee, may enforce this section.

(4) A violation of this section is subject to the penalties provided in 50-40-115.

(5) For the purposes of this section, the following definitions apply:

(a) "Public school building" or "public school property":

(i) means public land, fixtures, buildings, or other property owned or occupied by an institution for the teaching of minor children that is established and maintained under the laws of the state of Montana at public expense; and

(ii) includes school playgrounds, school steps, parking lots, administration buildings, athletic facilities, gymnasiums, locker rooms, and school buses.

(b) "Tobacco product" means a substance intended for human consumption that contains tobacco, including cigarettes, cigars, snuff, smoking tobacco, and smokeless tobacco.

1 (c) "Vapor product" has the meaning provided in 16-11-302."

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3 **Section 2.** Section 50-40-103, MCA, is amended to read:

4 **"50-40-103. Definitions.** As used in this part, the following definitions apply:

5 (1) "Bar" means an establishment with a license issued pursuant to Title 16, chapter 4, that is devoted
6 to serving alcoholic beverages for consumption by guests or patrons on the premises and in which the serving
7 of food is only incidental to the service of alcoholic beverages or gambling operations. The term includes but is
8 not limited to taverns, night clubs, cocktail lounges, and casinos.

9 (2) "Department" means the department of public health and human services provided for in 2-15-2201.

10 (3) "Enclosed public place" means an indoor area, room, or vehicle that the general public is allowed to
11 enter or that serves as a place of work, including but not limited to the following:

12 (a) restaurants;

13 (b) stores;

14 (c) public and private office buildings and offices, including all office buildings and offices of political
15 subdivisions, as provided for in 50-40-201, and state government;

16 (d) trains, buses, and other forms of public transportation;

17 (e) health care facilities;

18 (f) auditoriums, arenas, and assembly facilities;

19 (g) meeting rooms open to the public;

20 (h) bars;

21 (i) community college facilities;

22 (j) facilities of the Montana university system; and

23 (k) public schools, as provided for in 20-1-220 and 50-40-104.

24 (4) "Establishment" means an enterprise under one roof that serves the public and for which a single
25 person, agency, corporation, or legal entity is responsible.

26 (5) "Incidental to the service of alcoholic beverages or gambling operations" means that at least 60%
27 of the business's annual gross income comes from the sale of alcoholic beverages or gambling receipts, or both.

28 (6) "Person" means an individual, partnership, corporation, association, political subdivision, or other
29 entity.

30 (7) "Place of work" means an enclosed room where one or more individuals work.

1 (8) (a) "Smoking" or "to smoke" ~~includes~~ means the act of:
2 (i) lighting, smoking, or carrying a lighted cigar, cigarette, pipe, or any smokable product; or
3 (ii) using a vapor product as defined in 16-11-302. ~~and~~
4 (b) The term includes the use of marijuana for a debilitating medical condition as provided for in Title 50,
5 chapter 46."

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7 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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