

2016 -- S 2383

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LC004040
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO HEALTH AND SAFETY - PUBLIC HEALTH AND WORKPLACE SAFETY
ACT

Introduced By: Senators Sosnowski, Crowley, Miller, Goldin, and Conley

Date Introduced: February 10, 2016

Referred To: Senate Special Legislation and Veterans Affairs

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-20.10-3 of the General Laws in Chapter 23-20.10 entitled
2 "Public Health and Workplace Safety Act" is hereby amended to read as follows:

3 **23-20.10-3. Prohibition of smoking in public places.** -- Smoking shall be prohibited in
4 all enclosed public places within the state of Rhode Island, including, but not limited to, the
5 following places:

6 (1) Aquariums, galleries, libraries and museums;

7 (2) Areas available to and customarily used by the general public in businesses and
8 nonprofit entities patronized by the public, including, but not limited to, professional offices,
9 banks, laundromats, hotels and motels.

10 (3) Bars;

11 (4) Bingo facilities when a bingo game is in progress;

12 (5) Convention facilities;

13 (6) Elevators;

14 (7) Facilities primarily used for exhibiting a motion picture, stage, drama, lecture,
15 musical, recital or other similar performance;

16 (8) Health care facilities;

17 (9) Licensed child care and adult day care facilities;

18 (10) Lobbies, hallways and other common areas in apartment buildings, condominiums,

1 trailer parks, retirement facilities, nursing homes and other multiple unit residential facilities with
2 more than four (4) units;

3 (11) Polling places;

4 (12) Public transportation facilities, including buses and taxicabs, under the authority of
5 the state of Rhode Island, and ticket, boarding and waiting areas of public transit depots;

6 (13) Restaurants;

7 (14) Restrooms, lobbies, reception areas, hallways and other common use areas;

8 (15) Retail stores;

9 (16) Rooms, chambers, places of meeting or public assembly, including school
10 buildings, under the control of an agency, board, commission, committee or council of the state of
11 Rhode Island or a political subdivision of the state when a public meeting is in progress, to the
12 extent the place is subject to the jurisdiction of the state of Rhode Island;

13 (17) Schools; including, primary, secondary and post-secondary education facilities;

14 (18) Service lines;

15 (19) Shopping malls;

16 (20) Sports arenas, including outdoor arenas.

17 [\(21\) Pari-mutuel facilities established under chapter 3.1 or 7 of title 41 or any pari-](#)
18 [mutuel licensee under chapter 61.2 of title 42.](#)

19 SECTION 2. Section 23-20.10-6.1 of the General Laws in Chapter 23-20.10 entitled
20 "Public Health and Workplace Safety Act" is hereby repealed.

21 ~~**23-20.10-6.1. Pari mutual facilities.** (a) Any pari mutual facility established under~~
22 ~~chapter 3.1 or 7 of title 41 or any pari mutual licensee under chapter 61.2 of title 42 shall provide~~
23 ~~designated smoking and nonsmoking gaming areas in their facilities.~~

24 ~~(b) The designated nonsmoking gaming area shall be physically separated from any~~
25 ~~smoking area and shall be required to have separate and distinct ventilation systems so as to~~
26 ~~prohibit the migration of smoke into the nonsmoking area.~~

27 ~~(c) Except as provided for in paragraph (d), any bar or restaurant located in a pari mutual~~
28 ~~facility shall be nonsmoking and be physically separate from any smoking area and shall have a~~
29 ~~separate ventilation system so as to prohibit the migration of smoke into the restaurant.~~

30 ~~(d) The prohibitions of this chapter shall not apply to any bar which is presently in~~
31 ~~existence, located in, and not physically separated from a designated smoking area.~~

32 ~~(e) Any licensee of a pari mutual facility shall promulgate rules and regulations to allow~~
33 ~~their employees the right to work in a smoke free environment. These rules shall include, but not~~
34 ~~be limited to, provisions on the right to opt out of working in a smoking area and a provision that~~

1 ~~no adverse impact or action could take place against the employee if they request to opt out of a~~
2 ~~smoking area. The rules promulgated by the licensee shall be filed with the lottery commission~~
3 ~~with copies to the general assembly and the department of health no later than March 1, 2005.~~

4 ~~(f) Commencing January 1, 2005, any pari mutual licensee shall file an annual report with~~
5 ~~the lottery commission with copies to the general assembly and department of health detailing~~
6 ~~smoke mitigation efforts undertaken by the licensee during the previous year and plans for the~~
7 ~~upcoming year. The licensee shall be required to monitor air quality with current appropriate~~
8 ~~technology. A professional HVAC engineer (or other appropriate professional) shall certify the~~
9 ~~monitoring process and results. The results of the monitoring process shall be included in the~~
10 ~~annual report.~~

11 ~~(g) Any enactment relating to the provisions of this section on pari mutual facilities or~~
12 ~~licensees shall be by statute as enacted by the general assembly, provided however that the~~
13 ~~general assembly may by statute delegate such authority to the cities and towns.~~

14 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO HEALTH AND SAFETY - PUBLIC HEALTH AND WORKPLACE SAFETY
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- 1 This act would repeal the Rhode Island pari-mutuel facilities exemption to the public
- 2 health and workplace safety act thereby banning smoking at all parimutuel facilities.
- 3 This act would take effect upon passage.

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