

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO HEALTH AND SAFETY - PUBLIC HEALTH AND WORKPLACE SAFETY

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

Date Introduced: February 16, 2017

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.**

4 Smoking shall be prohibited in all enclosed public places within the state of Rhode  
5 Island, including, but not limited to, the 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,  
19 trailer parks, retirement facilities, nursing homes and other multiple unit residential facilities with

- 1 more than four (4) units;
- 2 (11) Polling places;
- 3 (12) Public transportation facilities, including buses and taxicabs, under the authority of  
4 the state of Rhode Island, and ticket, boarding and waiting areas of public transit depots;
- 5 (13) Restaurants;
- 6 (14) Restrooms, lobbies, reception areas, hallways and other common use areas;
- 7 (15) Retail stores;
- 8 (16) Rooms, chambers, places of meeting or public assembly, including school buildings,  
9 under the control of an agency, board, commission, committee or council of the state of Rhode  
10 Island or a political subdivision of the state when a public meeting is in progress, to the extent the  
11 place is subject to the jurisdiction of the state of Rhode Island;
- 12 (17) Schools; including, primary, secondary and post-secondary education facilities;
- 13 (18) Service lines;
- 14 (19) Shopping malls;
- 15 (20) Sports arenas, including outdoor arenas.
- 16 [\(21\) Pari-mutuel facilities established under chapter 3.1 or 7 of title 41 or any pari-mutuel](#)  
17 [licensee under chapter 61.2 of title 42.](#)

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19 "Public Health and Workplace Safety Act" is hereby repealed.

20 **~~23-20.10-6.1. Pari mutual facilities.~~**

21 ~~(a) Any pari mutual facility established under chapter 3.1 or 7 of title 41 or any pari~~  
22 ~~mutual licensee under chapter 61.2 of title 42 shall provide designated smoking and nonsmoking~~  
23 ~~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, there by banning smoking at all pari-mutuel facilities.
- 3           This act would take effect upon passage.

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