

2025 -- H 5464 SUBSTITUTE A AS AMENDED

LC000856/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

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

Introduced By: Representatives Tanzi, Chippendale, McGaw, Edwards, Shallcross
Smith, Ajello, Fogarty, Hull, Blazejewski, and Shekarchi
Date Introduced: February 12, 2025

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 23-20.10-2 and 23-20.10-6.1 of the General Laws in Chapter 23-
2 20.10 entitled "Public Health and Workplace Safety Act" are hereby amended to read as follows:

3 **23-20.10-2. Definitions.**

4 The following words and phrases, whenever used in this chapter, shall be construed as
5 defined in this section:

6 (1) "Assisted-living residence" means a residence that provides personal assistance and
7 meals to adults in accordance with chapter 17.4 of this title.

8 (2) "Bar" means an establishment that is devoted to the serving of alcoholic beverages for
9 consumption by guests on the premises and in which the serving of food is only incidental to the
10 consumption of those beverages, including, but not limited to, taverns, nightclubs, cocktail lounges,
11 and cabarets.

12 (3) "Business" means a sole proprietorship, partnership, joint venture, corporation, or other
13 business entity formed for profit-making purposes, including retail establishments where goods or
14 services are sold as well as professional corporations and other entities where legal, medical, dental,
15 engineering, architectural, or other professional services are delivered.

16 (4) "Electronic nicotine delivery system" means an electronic device that may be used to
17 simulate smoking in the delivery of nicotine or other substance to a person inhaling from the device,
18 and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo,

1 electronic pipe, or electronic hookah and any related device and any cartridge or other component
2 of that device.

3 (5) “Electronic nicotine delivery system store” means a retail store, excluding mall kiosks,
4 utilized primarily for the sale of electronic nicotine delivery system products and accessories.

5 (6) “Electronic smoking device establishment” means any business that sells food or
6 alcohol and for which the principal or core business is selling electronic nicotine delivery system
7 devices and where combustible substances are prohibited.

8 (i) Effective July 1, 2018, all establishments that open thereafter must demonstrate
9 quarterly, for a period of one year and annually thereafter, that the annual revenue generated from
10 the serving of electronic nicotine delivery system devices is thirty-three percent (33%) or more of
11 the total revenue for the establishment. Every such owner of an electronic smoking device
12 establishment shall register no later than January 1 of each year with the division of taxation and
13 shall provide, at a minimum, the owner’s name and address and the name and address of the
14 electronic smoking device establishment. The division of taxation in the department of
15 administration shall be responsible for the determination under this section and shall promulgate
16 any rules or forms necessary for the implementation of this section.

17 (7) “Employee” means a person who is employed by an employer in consideration for
18 direct or indirect monetary wages or profit and a person who volunteers his or her services for a
19 nonprofit entity.

20 (8) “Employer” means a person, business, partnership, association, corporation, including
21 a municipal corporation, trust, or nonprofit entity that employs the services of one or more
22 individual persons.

23 (9) “Enclosed area” means all space between a floor and ceiling that is enclosed on all sides
24 by solid walls or windows (exclusive of doorways) that extend from the floor to the ceiling.

25 (10) “Healthcare facility” means an office or institution providing care or treatment of
26 diseases, whether physical, mental, emotional, or other medical, physiological, or psychological
27 conditions, including, but not limited to, hospitals, rehabilitation hospitals or other clinics,
28 including weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories,
29 and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists
30 within these professions. This definition shall include all waiting rooms, hallways, private rooms,
31 semi-private rooms, and wards within health-care facilities.

32 (11) “Legislature” means the general assembly of the state of Rhode Island.

33 (12) “Place of employment” means an area under the control of a public or private
34 employer that employees normally frequent during the course of employment, including, but not

1 limited to, work areas, employees lounges, restrooms, conference rooms, meeting rooms,
2 classrooms, employee cafeterias, and hallways. Vehicles owned by a public or private employer
3 are covered under this definition provided that the vehicle is used by more than one person. A
4 private residence is not a “place of employment” unless it is used as a childcare, adult daycare, or
5 healthcare facility.

6 (13) “Principal or core business” means a business whose majority of customers are
7 utilizing electronic nicotine delivery systems during normal business hours.

8 (14) “Public place” means an enclosed area to which the public is invited or in which the
9 public is permitted, including, but not limited to, banks, bars, educational facilities, healthcare
10 facilities, laundromats, public transportation facilities, reception areas, restaurants, retail food
11 production and marketing establishments, retail service establishments, retail stores, shopping
12 malls, sports arenas, the state house, theaters, and waiting rooms. A private residence is not a
13 “public place” unless it is used as a childcare, adult daycare, or healthcare facility.

14 (15) “Restaurant” means an eating establishment, including, but not limited to, coffee
15 shops, cafeterias, and private and public school cafeterias, that gives or offers for sale food to the
16 public, guests, or employees, as well as kitchens and catering facilities in which food is prepared
17 on the premises for serving elsewhere. The term “restaurant” shall include a bar area within the
18 restaurant.

19 (16) “Retail tobacco store” means a retail store utilized primarily for the sale of tobacco,
20 electronic cigarette products and accessories, or electronic nicotine delivery system products in
21 which the total annual revenues generated by the sale of other products are no greater than twenty-
22 five percent (25%) of the total revenue for the establishment. The division of taxation shall be
23 responsible for the determination under this section and shall promulgate any rules or forms
24 necessary for the implementation of this section.

25 (17) “Service line” means an indoor line in which one or more persons are waiting for or
26 receiving service of any kind, whether or not the service involves the exchange of money.

27 (18) “Shopping mall” means an enclosed public walkway or hall area that serves to connect
28 retail or professional establishments.

29 (19) “Smoking” or “smoke” means inhaling, exhaling, burning, or carrying any lighted or
30 heated cigar, cigarette, pipe, weed, plant, other tobacco product or plant product, or other
31 combustible substance in any manner or in any form intended for inhalation in any manner or form.
32 “Smoking” or “smoke” also includes the use of electronic cigarettes, electronic cigars, electronic
33 pipes, electronic nicotine delivery system products, or other similar products that rely on
34 vaporization or aerosolization; provided, however, that smoking shall not include burning during a

1 religious ceremony.

2 (20)(i) "Smoking bar" means an establishment whose business is primarily devoted to the
3 serving of tobacco products for consumption on the premises, in which the annual revenues
4 generated by tobacco sales are greater than fifty percent (50%) of the total revenue for the
5 establishment and the serving of food or alcohol is only incidental to the consumption of the tobacco
6 products. Effective July 1, 2015, all existing establishments and establishments that open thereafter
7 must demonstrate quarterly, for a period of one year and annually thereafter, that the annual revenue
8 generated from the serving of tobacco products is greater than fifty percent (50%) of the total
9 revenue for the establishment, and the serving of food, alcohol, or beverages is only incidental to
10 the consumption of the tobacco products. Every owner of a smoking bar shall register no later than
11 January 1 of each year with the division of taxation and shall provide, at a minimum, the owner's
12 name and address and the name and address of the smoking bar. The division of taxation in the
13 department of administration shall be responsible for the determination under this section and shall
14 promulgate any rules or forms necessary for the implementation of this section.

15 (ii) Smoking bars shall only allow consumption of food and beverages sold by the
16 establishment on the premises and the establishment shall have public access only from the street.

17 (iii) Any smoking bar, as defined herein, is required to provide a proper ventilation system
18 that will prevent the migration of smoke into the street.

19 (21) "Sports arena" means sports pavilions, stadiums, (indoor or outdoor) organized sports
20 fields, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling
21 alleys, and other similar places where members of the general public assemble to engage in physical
22 exercise, participate in athletic competition, or witness sports or other events.

23 (22) "Pari mutual facility smoking lounge" means an enclosed area, including, but not
24 limited to, a cigar bar, within any pari mutual facility established under chapter 3.1 or 7 of title 41
25 or any pari mutual licensee under chapter 61.2 of title 42 with a proper ventilation system that will
26 prevent the migration of smoke to nonsmoking areas.

27 **23-20.10-6.1. Pari mutual facilities.**

28 (a) Any pari mutual facility established under chapter 3.1 or 7 of title 41 or any pari mutual
29 licensee under chapter 61.2 of title 42 shall ~~provide designated~~ prohibit smoking ~~and nonsmoking~~
30 ~~gaming areas~~ in their facilities, except as provided in subsection (b) of this section.

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

34 ~~(c) Except as provided for in paragraph (d), any bar or restaurant located in a pari mutual~~

1 ~~facility shall be nonsmoking and be physically separate from any smoking area and shall have a~~
2 ~~separate ventilation system so as to prohibit the migration of smoke into the restaurant.~~

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

5 ~~(e) Any licensee of a pari mutual facility shall promulgate rules and regulations to allow~~
6 ~~their employees the right to work in a smoke free environment. These rules shall include, but not~~
7 ~~be limited to, provisions on the right to opt out of working in a smoking area and a provision that~~
8 ~~no adverse impact or action could take place against the employee if they request to opt out of a~~
9 ~~smoking area. The rules promulgated by the licensee shall be filed with the lottery commission~~
10 ~~with copies to the general assembly and the department of health no later than March 1, 2005.~~

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

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

21 (b) Any pari mutual facility established under chapter 3.1 of title 41, may provide an
22 exemption to the prohibition on smoking for one "pari mutual facility smoking lounge", as defined
23 pursuant to § 23-20.10-2 located within the facility.

24 SECTION 2. This act shall take effect on January 1, 2027.

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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
ACT

- 1 This act would repeal the provisions authorizing smoking in pari mutual facilities with the
2 exception for businesses operating as smoking bars to include Plum & Proof Cigar Bar.
3 This act would take effect on January 1, 2027.

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