AN ACT Relating to smoking in public places; amending RCW 70.160.020; and creating new sections.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

Sec. 1. RCW 70.160.020 and 2006 c 2 s 2 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly indicates otherwise.

(1) "Smoke" or "smoking" means the carrying or smoking of any kind of lighted pipe, cigar, cigarette, or any other lighted smoking equipment.

(2) "Public place" means that portion of any building or vehicle used by and open to the public, regardless of whether the building or vehicle is owned in whole or in part by private persons or entities, the state of Washington, or other public entity, and regardless of whether a fee is charged for admission, and includes a presumptively reasonable minimum distance, as set forth in RCW 70.160.075, of twenty-five feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited. A
public place does not include a private residence unless the private residence is used to provide licensed child care, foster care, adult care, or other similar social service care on the premises.

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

(3) "Place of employment" means any area under the control of a public or private employer which employees are required to pass through during the course of employment, including, but not limited to: Entrances and exits to the places of employment, and including a presumptively reasonable minimum distance, as set forth in RCW 70.160.075, of twenty-five feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited; work areas; restrooms; conference and classrooms; break rooms and cafeterias; and other common areas. A private residence or home-based business, unless used to provide licensed child care, foster care, adult care, or other similar social service care on the premises, is not a place of employment. "Place of employment" does not include cigar stores or cigar bars. This chapter is not intended to restrict smoking in private facilities which are occasionally open to the public except upon the occasions when the facility is open to the public.

(4) "Cigar store" means a business that is an establishment (a) open to the public; (b) where smoking is permitted; (c) designated and clearly advertised as a place that sells tobacco; (d) where the primary activity of the business is the sale of tobacco products and
accessories, other than cigarettes, and the sale of other products is
incidental to the business; and (e) where persons under the age of
eighteen are prohibited.

(5) "Cigar bar" means a business that is an establishment (a) open
to the public; (b) where smoking is permitted; (c) that is a bar
devoted to the sale and service of alcoholic beverages or on-premises
consumption and where the service of food is only incidental to the
consumption of such beverages; (d) advertised and engaged in the
business of selling cigars; and (e) that generates twenty-five thousand
dollars or more of the business's annual gross income from the on-site
sale of cigars.

NEW SECTION. Sec. 2. The provisions of this act are to be
liberally construed to effectuate the intent, policies, and purposes of
this act.

NEW SECTION. Sec. 3. If any provision of this act or its
application to any person or circumstance is held invalid, the
remainder of the act or the application of the provision to other
persons or circumstances is not affected.

NEW SECTION. Sec. 4. This act may be known and cited as the cigar
bar relief act.

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