

Amendment - 1st Reading-white - Requested by: Jason Ellsworth - (S) Business, Labor, and Economic Affairs

- 2023

68th Legislature 2023

Drafter: Erin Sullivan, 406-444-3594

SB0475.001.001

1 SENATE BILL NO. 475
2 INTRODUCED BY W. CURDY, E. KERR-CARPENTER, A. BUCKLEY, M. MARLER, D. FERN, K. SULLIVAN,
3 E. STAFMAN, M. THANE, F. SMITH, K. WALSH, R. FITZGERALD, M. FOX, J. GROSS, C. POPE, J. ELLIS,
4 W. SALES, P. FLOWERS, R. LYNCH, D. HAYMAN, M. DUNWELL, E. MCCLAFFERTY, W. MCKAMEY, S.
5 MORIGEAU, B. GILLESPIE, J. FITZPATRICK, K. ABBOTT, P. TUSS, M. ROMANO, D. BAUM, E.
6 MATTHEWS, S. HOWELL, M. CAFERRO

7
8 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE DEFINITION OF "SMOKING" IN THE CLEAN
9 INDOOR AIR ACT; PROVIDING A DEFINITION OF "ELECTRONIC SMOKING DEVICE"; AMENDING
10 SECTION 50-40-103, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13
14 **Section 1.** Section 50-40-103, MCA, is amended to read:

15 **"50-40-103. Definitions.** As used in this part, the following definitions apply:

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

20 (2) "Department" means the department of public health and human services provided for in 2-15-
21 2201.

22 (3) "Electronic smoking device" means any product containing or delivering ~~nicotine or another~~
23 ~~substance intended for human consumption marijuana or marijuana products as defined in 16-12-102~~ that can
24 be used by a person in any manner for the purpose of inhaling vapor or aerosol from the product. The term
25 includes any device manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah,
26 dab rig, or vape pen, or under any other product name or descriptor. ~~The term does not include a product~~
27 ~~containing or delivering tobacco.~~

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1 ~~(3)~~(4) "Enclosed public place" means an indoor area, room, or vehicle that the general public is
2 allowed to enter or that serves as a place of work, including but not limited to the following:

3 (a) restaurants;

4 (b) stores;

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

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

8 (e) health care facilities;

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

10 (g) meeting rooms open to the public;

11 (h) bars;

12 (i) community college facilities;

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

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

15 ~~(4)~~(5) "Establishment" means an enterprise under one roof that serves the public and for which a
16 single person, agency, corporation, or legal entity is responsible.

17 ~~(5)~~(6) "Incidental to the service of alcoholic beverages or gambling operations" means that at least
18 60% of the business's annual gross income comes from the sale of alcoholic beverages or gambling receipts,
19 or both.

20 ~~(6)~~(7) "Person" means an individual, partnership, corporation, association, political subdivision, or
21 other entity.

22 ~~(7)~~(8) "Place of work" means an enclosed room where one or more individuals work.

23 ~~(8)~~(9) (a) "Smoking" or "to smoke" includes means the act of:

24 (i) lighting, smoking, or carrying a lighted cigar, cigarette, pipe, or any smokable product, and
25 includes including the use of marijuana; or

26 (ii) inhaling, exhaling, burning, or carrying any lighted or heated ~~cigar, cigarette,~~ pipe, hookah, or
27 any other lighted or heated ~~tobacco or plant~~ product intended for inhalation, whether natural or synthetic,

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1 including marijuana or cannabis, in any manner or in any form.

2 (b) The term includes the use of an electronic smoking device that creates an aerosol or vapor, in
3 any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the
4 prohibition of smoking in this part."

5

6 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

7

- END -

AMENDED