

HOUSE BILL NO. 481

INTRODUCED BY W. GALT

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE MONTANA CLEAN INDOOR AIR ACT RELATING  
5 TO PRIVATE ESTABLISHMENTS; EXEMPTING CERTAIN BONA FIDE PRIVATE SOCIAL CLUBS FROM THE  
6 ACT; ~~AND~~ AMENDING SECTION 50-40-104, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND  
7 APPLICABILITY DATES."

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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11 **Section 1.** Section 50-40-104, MCA, is amended to read:

12 **"50-40-104. Smoking in enclosed public places prohibited -- notice to public -- places where**  
13 **prohibition inapplicable.** (1) Except as otherwise provided in this section, smoking in an enclosed public place  
14 is prohibited.

15 (2) The proprietor or manager of an establishment containing enclosed public places shall post a sign  
16 in a conspicuous place at all public entrances to the establishment stating, in a manner that can be easily read  
17 and understood, that smoking in the enclosed public place is prohibited.

18 (3) The proprietor or manager of an intrastate bus that is not chartered shall prohibit smoking in all parts  
19 of the bus.

20 (4) The prohibition in subsection (1) does not apply to the following places, whether or not the public is  
21 allowed access to those places:

22 (a) a private residence unless it is used for any of the following purposes, in which case the prohibition  
23 in subsection (1) applies:

24 (i) a family day-care home or group day-care home, as defined in 52-2-703 and licensed pursuant to Title  
25 52, chapter 2, part 7;

26 (ii) an adult foster care home, as defined in 50-5-101 and licensed pursuant to Title 50, chapter 5; or

27 (iii) a health care facility, as defined in 50-5-101 and licensed pursuant to Title 50, chapter 5;

28 (b) a private motor vehicle;

29 (c) school property in which smoking is allowed pursuant to the exception in 20-1-220;

30 (d) a hotel or motel room designated as a smoking room and rented to a guest; however, not more than



1 35% of the rooms available to rent to guests may be designated as smoking rooms; ~~and~~  
2 (e) a site that is being used in connection with the practice of cultural activities by American Indians that  
3 is in accordance with the American Indian Religious Freedom Act, 42 U.S.C. 1996 and 1996a; and  
4 (f) a bona fide private social club, provided that any private social club contemplated by this section:  
5 (i) is not a place of work as defined in 50-40-103;  
6 (ii) COMPLIES WITH SECTION 403.3 OF THE 2012 INTERNATIONAL MECHANICAL CODE OF MONTANA RELATING  
7 TO VENTILATION OF BUILDINGS AND OUTDOOR AIRFLOW RATES;  
8 (iii) IS NOT LOCATED IN THE SAME BUILDING USED BY A PLACE OF WORK AND IS NOT LOCATED IN A BUILDING USED  
9 BY THE PUBLIC; AND  
10 (iv) DOES NOT ALLOW PEOPLE UNDER 21 YEARS OF AGE IN THE PRIVATE SOCIAL CLUB."

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12 **NEW SECTION. SECTION 2. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND APPROVAL.**

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14 **NEW SECTION. SECTION 3. APPLICABILITY. (1) [THIS ACT] REQUIRES BONA FIDE PRIVATE SOCIAL CLUBS THAT**  
15 **GO INTO OPERATION ON OR AFTER [THE EFFECTIVE DATE OF THIS ACT] TO COMPLY WITH THE 2012 INTERNATIONAL**  
16 **MECHANICAL CODE OF MONTANA RELATING TO VENTILATION OF BUILDINGS AS OF [THE EFFECTIVE DATE OF THIS ACT].**  
17 **BONA FIDE PRIVATE SOCIAL CLUBS IN EXISTENCE BEFORE [THE EFFECTIVE DATE OF THIS ACT] MUST COMPLY WITH THE**  
18 **2012 INTERNATIONAL MECHANICAL CODE OF MONTANA BY OCTOBER 1, 2022.**

19 (2) [THIS ACT] REQUIRES BONA FIDE PRIVATE SOCIAL CLUBS THAT GO INTO OPERATION ON OR AFTER [THE  
20 EFFECTIVE DATE OF THIS ACT] TO COMPLY WITH 50-40-104(4)(F)(III). BONA FIDE PRIVATE SOCIAL CLUBS IN OPERATION  
21 BEFORE [THE EFFECTIVE DATE OF THIS ACT] MAY CONTINUE OPERATING IN THE SAME LOCATION THAT WAS IN OPERATION  
22 BEFORE [THE EFFECTIVE DATE OF THIS ACT]. HOWEVER, A BONA FIDE PRIVATE SOCIAL CLUB IN OPERATION BEFORE [THE  
23 EFFECTIVE DATE OF THIS ACT] THAT CHANGES LOCATIONS MUST COMPLY WITH 50-40-104(4)(F)(III).

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