

2016 -- S 2624

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

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

Introduced By: Senators Raptakis, Jabour, Cote, Conley, and Metts

Date Introduced: February 25, 2016

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 23-20.10-2, 23-20.10-3 and 23-20.10-5 of the General Laws in
2 Chapter 23-20.10 entitled "Public Health and Workplace Safety Act" are hereby amended to read
3 as follows:

4 **23-20.10-2. Definitions. --** The following words and phrases, whenever used in this
5 chapter, shall be construed as 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
9 for consumption by guests on the premises and in which the serving of food is only incidental to
10 the consumption of those beverages, including, but not limited to, taverns, nightclubs, cocktail
11 lounges and cabarets.

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

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

1 (5) "Employer" means a person, business, partnership, association, corporation,
2 including a municipal corporation, trust or nonprofit entity that employs the services of one or
3 more individual persons.

4 (6) "Enclosed area" means all space between a floor and ceiling that is enclosed on all
5 sides by solid walls or windows (exclusive of doorways) that extend from the floor to the ceiling.

6 (7) "Health care facility" means an office or institution providing care or treatment of
7 diseases, whether physical, mental, emotional, or other medical, physiological or psychological
8 conditions, including, but not limited to, hospitals, rehabilitation hospitals or other clinics,
9 including weight control clinics, nursing homes, homes for the aging or chronically ill,
10 laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and
11 all specialists within these professions. This definition shall include all waiting rooms, hallways,
12 private rooms, semi-private rooms, and wards within health care facilities.

13 (8) "Housing authority unit" means any real property, building, unit, dwelling unit,
14 residential unit, or any portion thereof occupied by any tenant or lessee whether individually or
15 with another tenant or lessee which is owned, operated, managed, financed, or otherwise under
16 the control of city housing authorities and/or town housing authorities as defined in chapters 25
17 and 26 of title 45.

18 ~~(17)~~(9) "Legislature" means the general assembly of the state of Rhode Island.

19 ~~(8)~~(10) "Place of employment" means an area under the control of a public or private
20 employer that employees normally frequent during the course of employment, including, but not
21 limited to, work areas, employees lounges, restrooms, conference rooms, meeting rooms,
22 classrooms, employee cafeterias, and hallways. Vehicles owned by a public or private employer
23 are covered under this definition provided that the vehicle is used by more than one person. A
24 private residence is not a "place of employment" unless it is used as a child care, adult day care,
25 or health care facility.

26 ~~(9)~~(11) "Public place" means an enclosed area to which the public is invited or in which
27 the public is permitted, including, but not limited to, banks, bars, educational facilities, health
28 care facilities, laundromats, public transportation facilities, reception areas, restaurants, retail
29 food production and marketing establishments, retail service establishments, retail stores,
30 shopping malls, sports arenas, the state house, theaters and waiting rooms. A private residence is
31 not a "public place" unless it is used as a child care, adult day care, or health care facility.

32 ~~(10)~~(12) "Restaurant" means an eating establishment, including, but not limited to, coffee
33 shops, cafeterias, and private and public school cafeterias, that gives or offers for sale food to the
34 public, guests, or employees, as well as kitchens and catering facilities in which food is prepared

1 on the premises for serving elsewhere. The term "restaurant" shall include a bar area within the
2 restaurant.

3 ~~(11)~~(13) "Retail tobacco store" means a retail store utilized primarily for the sale of
4 tobacco products and accessories in which the total annual revenues generated by the sale of other
5 products are no greater than twenty-five percent (25%) of the total revenue for the establishment.
6 The division of taxation shall be responsible for the determination under this section and shall
7 promulgate any rules or forms necessary for the implementation of this section.

8 ~~(12)~~(14) "Service line" means an indoor line in which one or more persons are waiting
9 for or receiving service of any kind, whether or not the service involves the exchange of money.

10 ~~(13)~~(15) "Shopping mall" means an enclosed public walkway or hall area that serves to
11 connect retail or professional establishments.

12 ~~(14)~~(16) "Smoking" means inhaling, exhaling, burning, or carrying any lighted cigar,
13 cigarette, pipe, weed, plant, or other combustible substance in any manner or in any form;
14 provided, however, that smoking shall not include burning during a religious ceremony.

15 ~~(15)~~(17) (a) "Smoking bar" means an establishment whose business is primarily devoted
16 to the serving of tobacco products for consumption on the premises, in which the annual revenues
17 generated by tobacco sales are greater than fifty percent (50%) of the total revenue for the
18 establishment and the serving of food or alcohol is only incidental to the consumption of such
19 tobacco products. Effective July 1, 2015, all existing establishments and establishments that open
20 thereafter must demonstrate quarterly, for a period of one year and annually thereafter, that the
21 annual revenue generated from the serving of tobacco products is greater than fifty percent (50%)
22 of the total revenue for the establishment, and the serving of food, alcohol, or beverages is only
23 incidental to the consumption of such tobacco products. Every owner of a smoking bar shall
24 register no later than January 1 of each year with the division of taxation and shall provide, at a
25 minimum, the owner's name and address and the name and address of the smoking bar. The
26 division of taxation in the department of administration shall be responsible for the determination
27 under this section and shall promulgate any rules or forms necessary for the implementation of
28 this section. The division of taxation in the department of administration shall be responsible for
29 the determination under this section and shall promulgate any rules or forms necessary for the
30 implementation of this section.

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

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

1 ~~(16)~~(18) "Sports arena" means sports pavilions, stadiums, (indoor or outdoor) organized
2 sports fields, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks,
3 bowling alleys, and other similar places where members of the general public assemble to engage
4 in physical exercise, participate in athletic competition, or witness sports or other events.

5 **23-20.10-3. Prohibition of smoking in public places.** -- Smoking shall be prohibited in
6 all enclosed public places within the state of Rhode Island, including, but not limited to, the
7 following places:

8 (1) Aquariums, galleries, libraries and museums;
9 (2) Areas available to and customarily used by the general public in businesses and
10 nonprofit entities patronized by the public, including, but not limited to, professional offices,
11 banks, laundromats, hotels and motels.

12 (3) Bars;
13 (4) Bingo facilities when a bingo game is in progress;
14 (5) Convention facilities;
15 (6) Elevators;
16 (7) Facilities primarily used for exhibiting a motion picture, stage, drama, lecture,
17 musical, recital or other similar performance;

18 (8) Health care facilities;
19 (9) Licensed child care and adult day care facilities;
20 (10) Lobbies, hallways and other common areas in apartment buildings, condominiums,
21 trailer parks, retirement facilities, nursing homes and other multiple unit residential facilities with
22 more than four (4) units;

23 (11) Lobbies, hallways, any common area and any unit, dwelling unit, residential unit, or
24 any portion thereof of any real property, building or structure owned, operated, managed,
25 financed, or otherwise under the control of any city or town housing authority.

26 ~~(11)~~(12) Polling places;
27 ~~(12)~~(13) Public transportation facilities, including buses and taxicabs, under the authority
28 of the state of Rhode Island, and ticket, boarding and waiting areas of public transit depots;

29 ~~(13)~~(14) Restaurants;
30 ~~(14)~~(15) Restrooms, lobbies, reception areas, hallways and other common use areas;
31 ~~(15)~~(16) Retail stores;

32 ~~(16)~~(17) Rooms, chambers, places of meeting or public assembly, including school
33 buildings, under the control of an agency, board, commission, committee or council of the state of
34 Rhode Island or a political subdivision of the state when a public meeting is in progress, to the

1 extent the place is subject to the jurisdiction of the state of Rhode Island;

2 ~~(17)~~(18) Schools; including, primary, secondary and post-secondary education facilities;

3 ~~(18)~~(19) Service lines;

4 ~~(19)~~(20) Shopping malls;

5 ~~(20)~~(21) (20) Sports arenas, including outdoor arenas.

6 **23-20.10-5. Outdoor smoking space.** – (a) Nothing in this chapter shall prohibit an
7 employer from providing an outdoor smoking space for their employees. Provided, however, that
8 any employer who provides an outdoor area for its employees to smoke must provide an area
9 which is physically separated from the enclosed workplace so as to prevent the migration of
10 smoke into the workplace.

11 (b) All city or town housing authorities shall provide an outdoor smoking space for their
12 tenants, lessees, or guests which is located at least fifty feet (50') from entrance doors, tenants'
13 and lessees' windows, mailboxes, and parking areas in order to prevent the migration of smoke
14 into the housing authority units.

15 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

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1 This act would prohibit smoking in public housing authority units and all common areas
2 and would require a designated outdoor smoking space at least fifty feet (50') from entrance
3 doors, windows, mailboxes, and parking areas.

4 This act would take effect upon passage.

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