

HOUSE BILL 2327

By Ramsey

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 15 and Title 39, Chapter 17, relative to exceptions to state preemption in certain health-related areas.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-1802, is amended by adding the following new subdivisions:

() "Hotel" means any building or establishment kept, used, or maintained as, or advertised as, or offered to the public to be, a place where sleeping accommodations are furnished for pay to transients or travelers, whether or not meals are served to transients or travelers;

() "Park" means:

(A) Any recreational area to which the public is invited or has access to, including, but not limited to, areas designed in whole or in part to be used by children or that have:

(i) Play or sports equipment installed; or

(ii) Been designated or landscaped for play or sports activities; or

(B) Any similar facility located on public or private school grounds or on municipal or county grounds;

() "Public property" means a place that may be enclosed or non-enclosed to which the public or a group of persons has access and is owned or leased by the local government;

SECTION 2. Tennessee Code Annotated, Section 39-17-1803, is amended by adding the following as a new subsection (b) and redesignating accordingly:

(b)

(1) Any municipality, county, or county having a metropolitan form of government has the authority pursuant to resolution or ordinance to regulate smoking in age-restricted venues, hotels, private clubs that do not meet the definition of a "club" in § 57-4-102(8) and are not permitted to sell liquor by the drink, public property, and parks.

(2) No entity described in subdivision (b)(1) has the authority to regulate smoking in a manner that is less restrictive than that required by state law.

(3) This subsection (b) does not affect or repeal any regulation of smoking in public places, places of employment, age-restricted venues, hotels, private clubs that do not meet the requirements to sell liquor by the drink as defined in § 57-4-102(8), public property, and parks located in a municipality, county, or county having a metropolitan form of government, if the regulatory scheme was enacted:

(A) Based upon the authority conferred by this part; and

(B) Prior to July 1, 2018.

SECTION 3. Tennessee Code Annotated, Section 39-17-1804(1), is amended by deleting the subdivision and substituting instead:

(1) Age-restricted venues, unless prohibited by resolution or ordinance of a local governmental entity authorized to prohibit the activity;

SECTION 4. Tennessee Code Annotated, Section 39-17-1804(2), is amended by deleting the subdivision and substituting instead:

(2) Unless prohibited by resolution or ordinance of a local governmental entity authorized to prohibit the activity, hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided, that no more than twenty-five percent (25%) of rooms rented to guests in a hotel or motel may be so designated. All smoking

rooms on the same floor shall be contiguous and smoke from these rooms shall not infiltrate into areas where smoking is prohibited pursuant to this part;

SECTION 5. Tennessee Code Annotated, Section 39-17-1804(7), is amended by deleting the subdivision and substituting instead:

(7) Private clubs that meet the definition of a "club" in § 57-4-102(8) and are permitted to sell liquor by the drink; provided, that this exemption does not apply to any entity that is established solely for the purpose of avoiding compliance with this part;

SECTION 6. Tennessee Code Annotated, Section 39-17-1551(a), is amended by deleting the subsection and substituting instead:

(a)

(1) Cities, counties, and counties having a metropolitan form of government may regulate smoking, as defined in § 39-17-1802, by passing a resolution or ordinance, as applicable, in buildings owned or leased by the political subdivisions, age-restricted venues, hotels, private clubs that do not meet the requirements to sell liquor by the drink as defined in § 57-4-102(8), public property, and parks, as those terms are defined in § 39-17-1802.

(2) Airport authorities created pursuant to title 42, utility districts created pursuant to title 7, and special school districts may regulate the use of tobacco products in buildings owned or leased by the entities.

SECTION 7. This act shall take effect July 1, 2018, the public welfare requiring it.