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SENATE BILL NO. 50—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE TASK FORCE FOR THE FUND FOR  
A HEALTHY NEVADA (AB 474, NRS 439.625))

PREFILED JANUARY 30, 2003

Referred to Committee on Judiciary

SUMMARY—Authorizes state agencies and local governments to adopt more stringent restrictions governing tobacco and products made from tobacco than restrictions imposed pursuant to state law under certain circumstances. (BDR 15-260)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets [~~omitted material~~] is material to be omitted.

AN ACT relating to tobacco; authorizing state agencies and local governments to adopt more stringent restrictions governing tobacco and products made from tobacco than restrictions imposed pursuant to state law under certain circumstances; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 202.2485 is hereby amended to read as
- 2 follows:
- 3 202.2485 As used in NRS 202.2485 to 202.2497, inclusive:
- 4 1. "Distribute" includes furnishing, giving away or providing
- 5 products made from tobacco or samples thereof at no cost to
- 6 promote the product, whether or not in combination with a sale.
- 7 2. "Health authority" means the district health officer in a
- 8 district, or his designee, or, if none, the State Health Officer, or his
- 9 designee.



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ASSEMBLY JUDICIARY  
DATE: 5-07-03 ROOM 3138 EXHIBIT I  
SUBMITTED BY: Jim Avance

1 3. "Licensed gaming establishment" has the meaning  
2 ascribed to it in NRS 463.0169.

3 Sec. 2. NRS 202.249 is hereby amended to read as follows:

4 202.249 1. It is the public policy of the State of Nevada and  
5 the purpose of NRS 202.2491, 202.24915 and 202.2492 to place  
6 restrictions on the smoking of tobacco in public places to protect  
7 human health and safety.

8 2. The quality of air is declared to be affected with the public  
9 interest and NRS 202.2491, 202.24915 and 202.2492 are enacted in  
10 the exercise of the police power of this state to protect the health,  
11 peace, safety and general welfare of its people.

12 3. Health authorities, police officers of cities or towns, sheriffs  
13 and their deputies and other peace officers of this state shall, within  
14 their respective jurisdictions, enforce the provisions of NRS  
15 202.2491, 202.24915 and 202.2492. Police officers of cities or  
16 towns, sheriffs and their deputies and other peace officers of this  
17 state shall, within their respective jurisdictions, enforce the  
18 provisions of NRS 202.2493, 202.24935 and 202.2494.

19 4. ~~{An}~~ Except as otherwise provided in subsection 5, an  
20 agency, board, commission or political subdivision of this state,  
21 including, without limitation, any agency, board, commission or  
22 governing body of a local government, ~~{shall not}~~ may impose more  
23 stringent restrictions on the smoking, use, sale, distribution,  
24 marketing, display or promotion of tobacco or products made from  
25 tobacco than are provided by NRS 202.2491, 202.24915, 202.2492,  
26 202.2493, 202.24935 and 202.2494.

27 5. An agency, board, commission or political subdivision of  
28 this state, including, without limitation, any agency, board,  
29 commission or governing body of a local government, may not  
30 impose more stringent restrictions on the smoking, use, sale,  
31 distribution, marketing, display or promotion of tobacco or  
32 products made from tobacco than are provided by NRS 202.2491,  
33 202.24915, 202.2492, 202.2493, 202.24935 and 202.2494 with  
34 respect to:

- 35 (a) A licensed gaming establishment.  
36 (b) A bar or tavern.  
37 (c) An area within a restaurant in which alcoholic beverages  
38 are served and patrons who are minors are excluded.

39 Sec. 3. NRS 202.2491 is hereby amended to read as follows:

40 202.2491 1. Except as otherwise provided in subsections 5  
41 and 6 and NRS 202.24915, the smoking of tobacco in any form is  
42 prohibited if done in any:

- 43 (a) Public elevator.  
44 (b) Public building.  
45 (c) Public waiting room, lobby or hallway of any:



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- 1 (1) Medical facility or facility for the dependent as defined in
- 2 chapter 449 of NRS; or
- 3 (2) Office of any chiropractor, dentist, physical therapist,
- 4 physician, podiatric physician, psychologist, optician, optometrist or
- 5 doctor of Oriental medicine.
- 6 (d) Hotel or motel when so designated by the operator thereof.
- 7 (e) Public area of a store principally devoted to the sale of food
- 8 for human consumption off the premises.
- 9 (f) Child care facility.
- 10 (g) Bus used by the general public, other than a chartered bus, or
- 11 in any maintenance facility or office associated with a bus system
- 12 operated by any regional transportation commission.
- 13 (h) School bus.
- 14 2. The person in control of an area listed in paragraph (c), (d),
- 15 (e), (f) or (g) of subsection 1:
- 16 (a) Shall post in the area signs prohibiting smoking in any place
- 17 not designated for that purpose as provided in paragraph (b).
- 18 (b) May designate separate rooms or portions of the area which
- 19 may be used for smoking, except for a room or portion of the area of
- 20 a store described in paragraph (e) of subsection 1 if the room or
- 21 portion of the area:
- 22 (1) Is leased to or operated by a person licensed pursuant to
- 23 NRS 463.160; and
- 24 (2) Does not otherwise qualify for an exemption set forth in
- 25 NRS 202.24915.
- 26 3. The person in control of a public building:
- 27 (a) Shall post in the area signs prohibiting smoking in any place
- 28 not designated for that purpose as provided in paragraph (b).
- 29 (b) Shall, except as otherwise provided in this subsection,
- 30 designate a separate area which may be used for
- 31 smoking.
- 32 A school district which prohibits the use of tobacco by pupils need
- 33 not designate an area which may be used by the pupils to smoke.
- 34 4. The operator of a restaurant with a seating capacity of 50 or
- 35 more shall maintain a flexible nonsmoking area within the restaurant
- 36 and offer each patron the opportunity to be seated in a smoking or
- 37 nonsmoking area.
- 38 5. A business which derives more than 50 percent of its gross
- 39 receipts from the sale of alcoholic beverages or 50 percent of its
- 40 gross receipts from gaming operations may be designated as a
- 41 smoking area in its entirety by the operator of the business.
- 42 6. The smoking of tobacco is not prohibited in:
- 43 (a) Any room or area designated for smoking pursuant to
- 44 paragraph (b) of subsection 2 or paragraph (b) of subsection 3.



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1 (b) A licensed gaming establishment. A licensed gaming  
2 establishment may designate separate rooms or areas within the  
3 establishment which may or may not be used for smoking.

4 7. The person in control of a child care facility shall not allow  
5 children in any room or area he designates for smoking pursuant to  
6 paragraph (b) of subsection 2. Any such room or area must be  
7 sufficiently separate or ventilated so that there are no irritating or  
8 toxic effects of smoke in the other areas of the facility.

9 8. As used in this section:

10 (a) "Child care facility" means an establishment licensed  
11 pursuant to chapter 432A of NRS to provide care for 13 or more  
12 children.

13 (b) ~~["Licensed gaming establishment" has the meaning ascribed~~  
14 ~~to it in NRS 463.0169.~~

15 ~~—(c)]~~ "Public building" means any building or office space owned  
16 or occupied by:

17 (1) Any component of the University and Community  
18 College System of Nevada and used for any purpose related to the  
19 System.

20 (2) The State of Nevada and used for any public purpose,  
21 other than that used by the Department of Corrections to house or  
22 provide other services to offenders.

23 (3) Any county, city, school district or other political  
24 subdivision of the State and used for any public purpose.

25 If only part of a building is owned or occupied by an entity  
26 described in this paragraph, the term means only that portion of the  
27 building which is so owned or occupied.

28 ~~[(d)]~~ (c) "School bus" has the meaning ascribed to it in  
29 NRS 483.160.



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