

2023 -- S 0438

LC000923

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

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

Introduced By: Senators Sosnowski, Kallman, Ujifusa, F. Lombardi, Lauria, McKenney,
Mack, Burke, Valverde, and Zurier

Date Introduced: February 16, 2023

Referred To: Senate Special Legislation and Veterans Affairs

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-20.10-6.1 of the General Laws in Chapter 23-20.10 entitled
2 "Public Health and Workplace Safety Act" is hereby repealed.

3 ~~**23-20.10-6.1. Pari mutual facilities.**~~

4 ~~(a) Any pari mutual facility established under chapter 3.1 or 7 of title 41 or any pari mutual~~
5 ~~licensee under chapter 61.2 of title 42 shall provide designated smoking and nonsmoking gaming~~
6 ~~areas in their facilities.~~

7 ~~(b) The designated nonsmoking gaming area shall be physically separated from any~~
8 ~~smoking area and shall be required to have separate and distinct ventilation systems so as to prohibit~~
9 ~~the migration of smoke into the nonsmoking area.~~

10 ~~(c) Except as provided for in paragraph (d), any bar or restaurant located in a pari mutual~~
11 ~~facility shall be nonsmoking and be physically separate from any smoking area and shall have a~~
12 ~~separate ventilation system so as to prohibit the migration of smoke into the restaurant.~~

13 ~~(d) The prohibitions of this chapter shall not apply to any bar which is presently in~~
14 ~~existence, located in, and not physically separated from a designated smoking area.~~

15 ~~(e) Any licensee of a pari mutual facility shall promulgate rules and regulations to allow~~
16 ~~their employees the right to work in a smoke free environment. These rules shall include, but not~~
17 ~~be limited to, provisions on the right to opt out of working in a smoking area and a provision that~~
18 ~~no adverse impact or action could take place against the employee if they request to opt out of a~~

1 ~~smoking area. The rules promulgated by the licensee shall be filed with the lottery commission~~
2 ~~with copies to the general assembly and the department of health no later than March 1, 2005.~~

3 ~~(f) Commencing January 1, 2005, any pari-mutual licensee shall file an annual report with~~
4 ~~the lottery commission with copies to the general assembly and department of health detailing~~
5 ~~smoke mitigation efforts undertaken by the licensee during the previous year and plans for the~~
6 ~~upcoming year. The licensee shall be required to monitor air quality with current appropriate~~
7 ~~technology. A professional HVAC engineer (or other appropriate professional) shall certify the~~
8 ~~monitoring process and results. The results of the monitoring process shall be included in the annual~~
9 ~~report.~~

10 ~~(g) Any enactment relating to the provisions of this section on pari-mutual facilities or~~
11 ~~licensees shall be by statute as enacted by the general assembly, provided however that the general~~
12 ~~assembly may by statute delegate such authority to the cities and towns.~~

13 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 repeal the exemption granted to pari mutual facilities and casinos from the
- 2 smoke free workplace requirement contained in the Public Health and Workplace Safety Act.
- 3 This act would take effect upon passage.

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