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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

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

Introduced By: Representatives Phillips, Morin, Casey, Serpa, and Reilly

Date Introduced: January 29, 2015

Referred To: House Municipal Government

It is enacted by the General Assembly as follows:

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

3 **23-20.10-2. Definitions. --** The following words and phrases, whenever used in this
4 chapter, shall be construed as defined in this section:

5 (1) "Assisted living residence" means a residence that provides personal assistance, and
6 meals to adults in accordance with chapter 17.4 of this title.

7 (2) "Bar" means an establishment that is devoted to the serving of alcoholic beverages
8 for consumption by guests on the premises and in which the serving of food is only incidental to
9 the consumption of those beverages, including, but not limited to, taverns, nightclubs, cocktail
10 lounges and cabarets.

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

15 (3) "Business" means a structurally enclosed location or portion thereof at which
16 employees perform services for their employer. A business facility does not include any
17 workplace or portion of a workplace that also serves as the employee's or employer's personal
18 residence. A business facility is a place of employment. Notwithstanding this paragraph, a

1 [personal residence or unit or apartment in a residential facility is a business facility only during](#)
2 [the period of time that an employee is physically present to perform work there. A residential](#)
3 [facility, housing authority unit, nursing home or a hospital is a business facility.](#)

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

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

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

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

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

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

33 (10) "Restaurant" means an eating establishment, including, but not limited to, coffee
34 shops, cafeterias, and private and public school cafeterias, which gives or offers for sale food to

1 the public, guests or employees, as well as kitchens and catering facilities in which food is
2 prepared on the premises for serving elsewhere. The term "restaurant" shall include a bar area
3 within the restaurant.

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

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

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

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

16 (15) (a) "Smoking bar" means an establishment whose business is primarily devoted to
17 the serving of tobacco products for consumption on the premises, in which the annual revenues
18 generated by tobacco sales are greater than fifty percent (50%) of the total revenue for the
19 establishment and the serving of food or alcohol is only incidental to the consumption of such
20 tobacco products. The establishment must annually demonstrate that revenue generated from the
21 serving of tobacco products is greater than the total combined revenue generated by the serving of
22 beverages and food. The division of taxation in the department of administration shall be
23 responsible for the determination under this section and shall promulgate any rules or forms
24 necessary for the implementation of this section.

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

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

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

33 (17) "Legislature" means the general assembly of the state of Rhode Island.

34 [\(18\) Housing authority unit means: any real property, building, unit, dwelling unit,](#)

1 [residential unit or any portion thereof occupied by any tenant or lessee whether individually or](#)
2 [with another tenant or lessee which is owned, operated, managed, financed or otherwise under the](#)
3 [control of city housing authorities and/or town housing authorities as defined in §§ 45-25-1 et.](#)
4 [seq. or 45-26-1 et seq. respectively.](#)

5 [\(19\) Residential facility means a facility with one or more residential units or apartments](#)
6 [that is owned, operated, managed, financed or otherwise under control of city housing authorities](#)
7 [and/or town authorities as defined in §§ 45-25-1 et seq. or 45-26-1 et seq. respectively.](#)

8 **23-20.10-3. Prohibition of smoking in public places. --** Smoking shall be prohibited in
9 all enclosed public places within the state of Rhode Island, including, but not limited to, the
10 following places:

- 11 (1) Aquariums, galleries, libraries and museums;
- 12 (2) Areas available to and customarily used by the general public in businesses and
13 nonprofit entities patronized by the public, including, but not limited to, professional offices,
14 banks, laundromats, hotels and motels.
- 15 (3) Bars;
- 16 (4) Bingo facilities when a bingo game is in progress;
- 17 (5) Convention facilities;
- 18 (6) Elevators;
- 19 (7) Facilities primarily used for exhibiting a motion picture, stage, drama, lecture,
20 musical, recital or other similar performance;
- 21 (8) Health care facilities;
- 22 (9) Licensed child care and adult day care facilities;
- 23 (10) Lobbies, hallways and other common areas in apartment buildings, condominiums,
24 trailer parks, retirement facilities, nursing homes and other multiple unit residential facilities with
25 more than four (4) units;
- 26 (11) Polling places;
- 27 (12) Public transportation facilities, including buses and taxicabs, under the authority of
28 the state of Rhode Island, and ticket, boarding and waiting areas of public transit depots;
- 29 (13) Restaurants;
- 30 (14) Restrooms, lobbies, reception areas, hallways and other common use areas;
- 31 (15) Retail stores;
- 32 (16) 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) Schools; including, primary, secondary and post-secondary education facilities;

3 (18) Service lines;

4 (19) Shopping malls;

5 (20) Sports arenas, including outdoor arenas; ;

6 [\(21\) Residential facility;](#)

7 [\(22\) Housing authority unit.](#)

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO HEALTH AND SAFETY - PUBLIC HEALTH AND WORKPLACE SAFETY
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- 1 This act would prohibit smoking in any area including dwelling units of any building
- 2 owned or operated by a city or town housing authority.
- 3 This act would take effect upon passage.

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