

SECOND REGULAR SESSION

HOUSE BILL NO. 2103

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES LEACH (Sponsor) AND CONWAY (14) (Co-sponsor).

4143L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 191.765 and 191.777, RSMo, and to enact in lieu thereof two new sections relating to smoking in public places.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 191.765 and 191.777, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 191.765 and 191.777, to read as follows:

191.765. As used in sections 191.765 to [191.773] **191.777** and section 290.145, the following terms mean:

(1) "Bar" or "tavern", any licensed establishment which serves liquor on the premises for which not more than ten percent of the gross sales receipts of the business are supplied by food purchases, either for consumption on the premises or elsewhere;

(2) "Electronic cigarette", any electronic device that provides a vapor of liquid nicotine or other substances mixed with propylene glycol to simulate smoking;

(3) "Other person in charge", the agent of the proprietor authorized to give administrative directions to and general supervision of the activities within the public place, work place or public meeting at any given time;

[(3)] (4) "Proprietor", the party who ultimately controls, governs or directs the activities within the public place, work place or public meeting, regardless of whether he is the owner or lessor of such place or site. The term does not mean the owner of the property unless he ultimately controls, governs or directs the activities within the public place or public meeting. The term "proprietor" shall apply to a corporation as well as an individual;

[(4)] (5) "Public meeting", a gathering in person of members of a governmental body, whether an open or closed session, as defined in chapter 610;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 [(5)] (6) "Public place", any enclosed indoor area used by the general public or serving
19 as a place of work including, but not limited to:

20 (a) Any retail or commercial establishments;

21 (b) Health care facilities, health clinics or ambulatory care facilities including, but not
22 limited to, laboratories associated with health care treatment, hospitals, nursing homes,
23 physicians' offices and dentists' offices;

24 (c) Any vehicle used for public transportation including, but not limited to, buses,
25 taxicabs and limousines for hire;

26 (d) Rest rooms;

27 (e) Elevators;

28 (f) Libraries, educational facilities, day care facilities, museums, auditoriums and art
29 galleries;

30 (g) All public areas and waiting rooms of public transportation facilities including, but
31 not limited to, bus and airport facilities;

32 (h) Any enclosed indoor place used for entertainment or recreation including, but not
33 limited to, gymnasiums, theater lobbies, concert halls, arenas and swimming pools;

34 (i) Any other enclosed indoor areas used by the general public including, but not limited
35 to, corridors and shopping malls;

36 [(6)] (7) "Restaurant", any building, structure or area used, maintained or advertised as
37 or held out to the public to be an enclosure where meals for consideration of payment are made
38 available to be consumed on the premises;

39 [(7)] (8) "Smoking", possession of burning tobacco in the form of a cigarette, cigar, pipe
40 or other smoking equipment.

 191.777. Nothing in sections [191.775 and] **191.765 to** 191.776 shall prohibit local
2 political subdivisions or local boards of education from enacting more stringent ordinances or
3 rules; **except that:**

4 **(1) No local political subdivision shall restrict the use of electronic cigarettes in**
5 **public places; and**

6 **(2) Any public place which derives at least sixty percent of its retail sales from**
7 **alcohol, tobacco, or entertainment shall be exempt from any local ordinances or rules**
8 **relating to smoking in public places.**

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