

CHAPTER 315

HEALTH

HOUSE BILL 94-1136

BY REPRESENTATIVES Kreutz, Blue, Chlouber, Coffman, Foster, George, Gordon, Kaufman, Kerns, Morrison, Salaz, Sullivan, Acquafresca, DeGette, Duke, Dyer, Eisenach, Friednash, Knox, Lawrence, Linkhart, Lyle, Pierson, Reeves, Romero, Rupert, Strom, Tucker, Williams, and Wright;
also SENATORS Hopper, Ament, Blickensderfer, Mares, Traylor, Peterson, and Ruddick.

AN ACT

CONCERNING THE PROHIBITION AGAINST SMOKING IN STATE LEGISLATIVE BUILDINGS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 2-2-404, Colorado Revised Statutes, 1980 Repl. Vol., is amended BY THE ADDITION OF A NEW SUBSECTION to read:

2-2-404. Legislative rules and regulations. (1.5) SMOKING IN THE STATE CAPITOL AND OTHER LEGISLATIVE BUILDINGS SHALL BE GOVERNED BY SECTION 25-14-103.7, C.R.S.; EXCEPT THAT THE SENATE AND THE HOUSE OF REPRESENTATIVES EACH HAS THE EXCLUSIVE AUTHORITY TO ADOPT RULES OR JOINT RULES, OR BOTH, GOVERNING THE CONTROL OR LIMITATION OF SMOKING IN THEIR RESPECTIVE CHAMBERS, ANTECHAMBERS, COMMITTEE ROOMS, AND OFFICE SPACE ASSIGNED TO AND OCCUPIED BY LEGISLATORS.

SECTION 2. 25-14-103 (1) (c), Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

25-14-103. Smoking prohibited in certain public places. (1) Except as otherwise provided in this subsection (1), smoking is prohibited in the following public places:

(c) Waiting rooms and meeting rooms located in all buildings owned or operated by the EXECUTIVE AND JUDICIAL BRANCHES OF GOVERNMENT OF THE state of Colorado or any political subdivision thereof except in areas designated for smoking;

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SECTION 3. Article 14 of title 25, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

25-14-103.7. Control of smoking in state legislative buildings. (1) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, SMOKING IS PROHIBITED IN ALL STATE LEGISLATIVE BUILDINGS.

(2) THE LEGISLATIVE COUNCIL CREATED BY SECTION 2-3-301, C.R.S., OR ITS DESIGNEE:

(a) MAY DESIGNATE AREAS IN LEGISLATIVE BUILDINGS WHERE SMOKING IS PERMITTED;

(b) SHALL CONSIDER PROPOSALS TO REDESIGNATE ANY AREA DESIGNATED AS A SMOKING AREA PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2);

(c) SHALL ESTABLISH A SMOKING POLICY FOR OFFICE SPACE WITHIN LEGISLATIVE BUILDINGS; AND

(d) SHALL ENSURE THAT SIGNS ARE POSTED THAT CLEARLY DESIGNATE NONSMOKING AND SMOKING AREAS.

(3) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, THE CONTROL OR LIMITATION OF SMOKING IN THE CHAMBERS, ANTECHAMBERS, COMMITTEE ROOMS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, AND OFFICE SPACE ASSIGNED TO AND OCCUPIED BY LEGISLATORS SHALL BE GOVERNED BY THE PROVISIONS OF SECTION 2-2-404 (1.5), C.R.S.

(4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "LEGISLATIVE BUILDING" MEANS ANY BUILDING WHICH IS OWNED OR OPERATED BY THE LEGISLATIVE BRANCH AND WHICH IS UNDER THE DIRECTION AND CONTROL OF SUCH BRANCH.

(b) "SMOKING" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 25-14-102 (3).

SECTION 4. Effective date. This act shall take effect sixty days after passage.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 2, 1994