

## CHAPTER 103

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**HEALTH AND ENVIRONMENT**


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**HOUSE BILL 07-1196**

BY REPRESENTATIVE(S) May M., Casso, Green, Kefalas, McGihon, Stafford, and Todd;  
also SENATOR(S) Boyd, Kopp, and Schultheis.

**AN ACT****CONCERNING AN EXEMPTION FROM THE "COLORADO CLEAN INDOOR AIR ACT" FOR ASSISTED LIVING FACILITIES.**

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

**SECTION 1.** 25-14-204 (1) (u), Colorado Revised Statutes, is amended to read:

**25-14-204. General smoking restrictions.** (1) Except as provided in section 25-14-205, and in order to reduce the levels of exposure to environmental tobacco smoke, smoking shall not be permitted and no person shall smoke in any indoor area, including, but not limited to:

(u) (I) The common areas of retirement facilities, publicly owned housing facilities, and, EXCEPT AS SPECIFIED IN SECTION 25-14-205 (1) (k), nursing homes, BUT not including any resident's private residential quarters OR AREAS OF ASSISTED LIVING FACILITIES SPECIFIED IN SECTION 25-14-205 (1) (k).

(II) NOTHING IN THIS PART 2 AFFECTS THE VALIDITY OR ENFORCEABILITY OF A CONTRACT, WHETHER ENTERED INTO BEFORE, ON, OR AFTER JULY 1, 2006, THAT SPECIFIES THAT A PART OR ALL OF A FACILITY OR HOME SPECIFIED IN THIS PARAGRAPH (u) IS A SMOKE-FREE AREA.

**SECTION 2.** 25-14-205 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**25-14-205. Exceptions to smoking restrictions.** (1) This part 2 shall not apply to:

(k) (I) THE AREAS OF ASSISTED LIVING FACILITIES:

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

- (A) THAT ARE DESIGNATED FOR SMOKING FOR RESIDENTS;
- (B) THAT ARE FULLY ENCLOSED AND VENTILATED; AND
- (C) TO WHICH ACCESS IS RESTRICTED TO THE RESIDENTS OR THEIR GUESTS.

(II) AS USED IN THIS PARAGRAPH (k), "ASSISTED LIVING FACILITY" MEANS A NURSING FACILITY, AS THAT TERM IS DEFINED IN SECTION 25.5-4-103, C.R.S., AND AN ASSISTED LIVING RESIDENCE, AS THAT TERM IS DEFINED IN SECTION 25-27-102.

**SECTION 3. Effective date - applicability.** (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 8, 2007, if adjournment sine die is on May 9, 2007); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to acts occurring on or after the applicable effective date of this act.

Approved: April 9, 2007