

Representative Bruce R. Cutler proposes the following substitute bill:

SMOKE AND TOBACCO FREE CAPITOL HILL

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Bruce R. Cutler

Senate Sponsor: Brian Zehnder

LONG TITLE

General Description:

This bill prohibits smoking and the use of tobacco at the capitol hill complex and provides penalties for violating this prohibition.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ prohibits smoking and the use of tobacco at the capitol hill complex;
- ▶ permits the State Capitol Preservation Board to designate an area at the capitol hill complex for smoking and the use of tobacco; and
- ▶ provides penalties for violating the provisions of this bill.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

76-10-113, Utah Code Annotated 1953



26 *Be it enacted by the Legislature of the state of Utah:*

27 Section 1. Section **76-10-113** is enacted to read:

28 **76-10-113. Restriction on tobacco use on capitol hill complex -- Penalties.**

29 (1) As used in this section:

30 (a) "Board" means the State Capitol Preservation Board created in Section [63C-9-201](#).

31 (b) "Capitol hill complex" means the same as that term is defined in Section

32 [63C-9-102](#).

33 (c) "Smoking" means the same as that term is defined in Section [26-38-2](#).

34 (d) (i) "Tobacco" means:

35 (A) a cigarette or a tobacco product, as those terms are defined in Section [59-14-102](#);

36 or

37 (B) an electronic cigarette product, as that term is defined in Section [59-14-802](#).

38 (ii) "Tobacco" does not include a cessation product specifically approved by the United
39 States Food and Drug Administration for the cessation of tobacco use.

40 (2) Except as provided in Subsection (5), smoking and the use of tobacco are
41 prohibited indoors and outdoors at the capitol hill complex.

42 (3) (a) A person who violates Subsection (2) is guilty of an infraction and is subject to
43 the penalty described in Subsection (3)(b).

44 (b) (i) A first violation of Subsection (2) is subject to a fine of not more than \$100.

45 (ii) A second or subsequent violation of Subsection (2) is subject to a fine of not less
46 than \$100 and not more than \$500.

47 (c) Before July 1, 2019, a peace officer:

48 (i) may not issue a citation to an individual who violates this section; and

49 (ii) shall issue a warning to an individual who violates this section, informing the
50 individual regarding the restrictions in this section.

51 (d) The court may suspend the fine for a violation of this section if the individual has
52 not previously been convicted of a violation of this section.

53 (4) The board shall:

54 (a) post signs that indicate that smoking and the use of tobacco are prohibited, both
55 indoors and outdoors, at the capitol hill complex, except in a designated area;

56 (b) coordinate with the Office of Tourism within the Governor's Office of Economic

57 Development to make reasonable accommodations, primarily for the benefit of tourists and
58 other visitors to the capitol hill complex who wish to smoke; and

59 (c) coordinate with the Department of Human Resource Management and the
60 Department of Health to provide educational materials for employees describing resources that
61 are available to employees who work at the capitol hill complex for tobacco prevention,
62 reduction, and cessation.

63 (5) (a) The board may establish ~~Ĥ→ [a single] ←Ĥ~~ designated ~~Ĥ→ [area] areas ←Ĥ~~
63a for smoking and the use of
64 tobacco on the capitol hill complex for tourists, visitors, and employees that is exempt from the
65 restriction in Subsection (2).

66 (b) If the board designates an area under Subsection (5)(a), the board shall:

67 (i) clearly mark the area as a designated area for smoking and the use of tobacco;

68 (ii) locate the area in a manner that is consistent with the requirements of Title 26,
69 Chapter 38, Utah Indoor Clean Air Act; and

70 (iii) locate the area outside the area bounded by the State Capitol, State Office
71 Building, House Building, and Senate Building.

72 (6) To the extent that provisions of this section are in conflict with provisions of Title
73 26, Chapter 38, Utah Indoor Clean Air Act, the provisions of this section are controlling.