

1 HOUSE BILL NO. 19

2 INTRODUCED BY D. SANDS

3 BY REQUEST OF THE CHILDREN, FAMILIES, HEALTH, AND HUMAN SERVICES INTERIM COMMITTEE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT SMOKING FOR THE PURPOSES OF THE
6 MONTANA CLEAN INDOOR AIR ACT INCLUDES THE SMOKING OF MARIJUANA FOR MEDICAL USE;
7 AMENDING SECTION 50-40-103, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:10
11 **Section 1.** Section 50-40-103, MCA, is amended to read:12 **"50-40-103. Definitions.** As used in this part, the following definitions apply:13 (1) "Bar" means an establishment with a license issued pursuant to Title 16, chapter 4, that is devoted
14 to serving alcoholic beverages for consumption by guests or patrons on the premises and in which the serving
15 of food is only incidental to the service of alcoholic beverages or gambling operations, including but not limited
16 to taverns, night clubs, cocktail lounges, and casinos.

17 (2) "Department" means the department of public health and human services provided for in 2-15-2201.

18 (3) "Enclosed public place" means an indoor area, room, or vehicle that the general public is allowed to
19 enter or that serves as a place of work, including but not limited to the following:

20 (a) restaurants;

21 (b) stores;

22 (c) public and private office buildings and offices, including all office buildings and offices of political
23 subdivisions, as provided for in 50-40-201, and state government;

24 (d) trains, buses, and other forms of public transportation;

25 (e) health care facilities;

26 (f) auditoriums, arenas, and assembly facilities;

27 (g) meeting rooms open to the public;

28 (h) bars;

29 (i) community college facilities;

30 (j) facilities of the Montana university system; and

- 1 (k) public schools, as provided for in 20-1-220 and 50-40-104.
- 2 (4) "Establishment" means an enterprise under one roof that serves the public and for which a single
3 person, agency, corporation, or legal entity is responsible.
- 4 (5) "Incidental to the service of alcoholic beverages or gambling operations" means that at least 60%
5 of the business's annual gross income comes from the sale of alcoholic beverages or gambling receipts, or both.
- 6 (6) "Person" means an individual, partnership, corporation, association, political subdivision, or other
7 entity.
- 8 (7) "Place of work" means an enclosed room where one or more individuals work.
- 9 (8) "Smoking" or "to smoke" includes the act of lighting, smoking, or carrying a lighted cigar, cigarette,
10 pipe, or any smokable product, including marijuana intended for medical use as provided for in Title 50, chapter
11 46."
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13 COORDINATION SECTION. SECTION 2. COORDINATION INSTRUCTION. (1) IF HOUSE BILL NO. 161 IS
14 PASSED AND APPROVED, THEN [THIS ACT] IS VOID.

15 (2) IF HOUSE BILL NO. 175 IS PASSED BY THE ELECTORATE IN 2012, THEN [THIS ACT] IS VOID ON [THE EFFECTIVE
16 DATE OF HOUSE BILL NO. 175].

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18 NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

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