

SENATE BILL NO. 179

INTRODUCED BY D. KARY, D. ANKNEY, B. BEARD, M. BLASDEL, E. BUTTREY, M. CUFFE,
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D. HOWARD, J. KEANE, M. LANG, K. REGIER, T. RICHMOND, C. SMITH, G. VANCE, R. WEBB,
J. WELBORN, D. ZOLNIKOV

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE EXPANSION OF PROHIBITIONS UNDER THE
MONTANA CLEAN INDOOR AIR ACT WITHOUT APPROVAL BY ~~A LOCAL GOVERNING BODY~~ CERTAIN
ELECTED OFFICIALS; ~~AND~~ AMENDING SECTION 50-40-108, MCA; AND PROVIDING A RETROACTIVE
APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 50-40-108, MCA, is amended to read:

"50-40-108. Enforcement -- prohibition on expansion without approval. (1) The provisions of this
part must be supervised and enforced by the department and the department's designees, local boards of health,
and the boards' designees under the direction of the department.

(2) A rule or ordinance that prohibits smoking in places other than IN an enclosed public place is invalid
and unenforceable unless the rule or ordinance is adopted or approved by the local governing body GOVERNING
CITY COUNCIL, CITY COMMISSION, OR BOARD OF COUNTY COMMISSIONERS."

NEW SECTION. SECTION 2. RETROACTIVE APPLICABILITY. [THIS ACT] APPLIES RETROACTIVELY, WITHIN THE
MEANING OF 1-2-109, TO ANY RULE OR ORDINANCE THAT PROHIBITS SMOKING IN PLACES OTHER THAN IN AN ENCLOSED
PUBLIC PLACE THAT BECAME EFFECTIVE WITHOUT BEING ADOPTED OR APPROVED BY THE GOVERNING CITY COUNCIL, CITY
COMMISSION, OR BOARD OF COUNTY COMMISSIONERS.

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