



State of Wisconsin  
2005 - 2006 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 2,  
TO 2005 ASSEMBLY BILL 414**

June 23, 2005 - Offered by Representative SCHNEIDER.

1     **AN ACT** *to repeal* 101.123 (3) (d) and 101.123 (3) (f); *to amend* 101.123 (1) (f),  
2           101.123 (1) (g), 101.123 (2) (b), 101.123 (3) (b) and 101.123 (4) (a) 1.; and *to*  
3           **create** 101.123 (1) (im), 101.123 (2) (a) 11. and 101.123 (4) (a) 2m. of the  
4           statutes; **relating to:** smoking in restaurants, taverns, and offices.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

5           **SECTION 1.** 101.123 (1) (f) of the statutes is amended to read:

6           101.123 (1) (f) "Restaurant" means an establishment defined in s. 254.61 (5)  
7           with a seating capacity of more than 50 persons.

8           **SECTION 2.** 101.123 (1) (g) of the statutes is amended to read:

9           101.123 (1) (g) "Retail establishment" means any store or shop in which retail  
10          sales is the principal business conducted, ~~except a tavern operating under a "Class~~  
11          ~~B" intoxicating liquor license or Class "B" fermented malt beverages license, and~~  
12          except bowling centers.

1           **SECTION 3.** 101.123 (1) (im) of the statutes is created to read:

2           101.123 (1) (im) “Tavern” means an establishment operating under a “Class B”  
3 intoxicating liquor license or Class “B” fermented malt beverages license.

4           **SECTION 4.** 101.123 (2) (a) 11. of the statutes is created to read:

5           101.123 (2) (a) 11. Taverns.

6           **SECTION 5.** 101.123 (2) (b) of the statutes is amended to read:

7           101.123 (2) (b) The prohibition in pars. (a) and (am) 1. applies only to enclosed,  
8 indoor areas, except that the prohibition in par. (a) 7. and 11. applies to all indoor and  
9 outdoor areas of restaurants and taverns.

10          **SECTION 6.** 101.123 (3) (b) of the statutes is amended to read:

11          101.123 (3) (b) Rooms, other than offices, in which the main occupants are  
12 smokers, even if nonsmokers are periodically present in the ~~office or~~ room.

13          **SECTION 7.** 101.123 (3) (d) of the statutes is repealed.

14          **SECTION 8.** 101.123 (3) (f) of the statutes is repealed.

15          **SECTION 9.** 101.123 (4) (a) 1. of the statutes is amended to read:

16          101.123 (4) (a) 1. Except as provided in ~~subd.~~ subds. 2. and 2m., a person in  
17 charge or his or her agent may designate smoking areas in the places where smoking  
18 is regulated under sub. (2) (a) unless a fire marshal, law, ordinance or resolution  
19 prohibits smoking.

20          **SECTION 10.** 101.123 (4) (a) 2m. of the statutes is created to read:

21          101.123 (4) (a) 2m. A person in charge or his or her agent may not designate  
22 any office or any indoor or outdoor area of a restaurant or a tavern as a smoking area.

23

(END)