



2009 ASSEMBLY BILL 295

June 2, 2009 – Introduced by Representatives SHERMAN, CLARK, BALLWEG, BROOKS, GOTTLIEB, KERKMAN, KESTELL, KLEEFISCH, LEMAHIEU, MURSAU, NERISON, NYGREN, ROYS, STRACHOTA, STEINBRINK, TAUCHEN and M. WILLIAMS, cosponsored by Senators JAUCH, PLALE, TAYLOR and VINEHOUT. Referred to Committee on Tourism, Recreation and State Properties.

- 1 **AN ACT to create** 101.123 (3) (k) and 101.123 (3m) of the statutes; **relating to:**
2 the designation of smoking rooms in lodging establishments.

Analysis by the Legislative Reference Bureau

Current law prohibits smoking in mass transit vehicles and specific enclosed indoor locations, including the following:

1. Inpatient health care facilities.
2. Prisons and jails.
3. Retail establishments.
4. Restaurants.
5. Government buildings.

Except for hospitals, school buses, day care centers where children are present and a few other places, a smoking area at an indoor location may be designated by the person who is in charge of that location.

The prohibitions against smoking were expanded by 2009 Wisconsin Act 12, effective on July 5, 2010, so that smoking will be prohibited in most indoor locations. Under that act, among other changes to the prohibitions on smoking, a person in charge may no longer designate smoking areas at indoor locations.

This bill authorizes the owner of a lodging establishment to designate up to 25 percent of the guest rooms in the lodging establishment as guest rooms in which smoking is permitted. If the lodging establishment has fewer than four guest rooms,

