



1997 SENATE BILL 441

February 4, 1998 - Introduced by Senators RISSER, ROESSLER, BURKE, PLACHE and CLAUSING, cosponsored by Representatives BOCK, WALKER, MORRIS-TATUM, R. YOUNG, L. YOUNG, TURNER, DOBYNS, WASSERMAN, URBAN and GREEN. Referred to Committee on Health, Human Services, Aging, Corrections, Veterans and Military Affairs.

1 **AN ACT to amend** 101.123 (4) (a) 2. and 101.123 (8) (a); and **to create** 101.123
2 (2) (ar) of the statutes; **relating to:** prohibiting smoking areas and smoking
3 rooms in state offices and the state capitol building and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law, with some exceptions, prohibits smoking in public conveyances, inpatient health care facilities, indoor movie theaters, offices and passenger elevators, retail establishments, public waiting rooms, enclosed indoor areas of buildings owned by local or state units of government, motor buses, hospitals, physicians' offices, day care centers, educational facilities that offer state-approved or state-licensed instruction for training and any restaurant whose seating capacity exceeds 50 persons and whose receipts from the sale of beer or liquor, or both, amount to 50% or less of the restaurant's receipts. In some instances, however, a person in charge of an area in which smoking is prohibited, or his or her agent, may designate smoking areas within the area over which the person has charge. Moreover, the prohibition against smoking does not apply to rooms in which the main occupants are smokers, even if nonsmokers are periodically present in the office or the room.

This bill expands coverage of the existing law by prohibiting the designation of smoking areas in state offices and the state capitol building and eliminating the exemption for state offices and for rooms in the state capitol building in which the main occupants are smokers.

SENATE BILL 441

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 101.123 (2) (ar) of the statutes is created to read:

2 101.123 (2) (ar) Notwithstanding par. (a) and sub. (3), no person may smoke
3 in a state office or in the state capitol building.

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

5 101.123 (4) (a) 2. A person in charge or his or her agent may not designate an
6 entire building as a smoking area or designate any smoking areas in a state office,
7 in the state capitol building, in a motor bus, hospital or physician's office or on the
8 premises, indoors or outdoors, of a day care center when children who are receiving
9 day care services are present, except that in a hospital or a unit of a hospital that has
10 as its primary purpose the care and treatment of mental illness, alcoholism or drug
11 abuse a person in charge or his or her agent may designate one or more enclosed
12 rooms with outside ventilation as smoking areas for the use of adult patients who
13 have the written permission of a physician. Subject to this subdivision and sub. (3)
14 (b), a person in charge or his or her agent may not designate an entire room as a
15 smoking area.

16 **SECTION 3.** 101.123 (8) (a) of the statutes is amended to read:

17 101.123 (8) (a) Any person who wilfully violates sub. (2) (a), (am) 1., (ar) or (bm)
18 after being advised by an employe of the facility that smoking in the area is
19 prohibited or any person in charge or his or her agent who wilfully fails to comply
20 with sub. (5) shall forfeit not more than \$10.

21

(END)