

**SENATE AMENDMENT 2,
TO 2007 SENATE BILL 150**

January 11, 2008 – Offered by COMMITTEE ON PUBLIC HEALTH, SENIOR ISSUES, LONG
TERM CARE AND PRIVACY.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 5, line 19: delete lines 19 to 23 and substitute:

3 “**SECTION 16b.** 101.123 (1) (g) of the statutes is amended to read:

4 101.123 (1) (g) “Retail establishment” means any store or shop in which retail
5 sales is the principal business conducted, except a tavern operating under a “Class
6 B” intoxicating liquor license or Class “B” fermented malt beverages license, ~~and~~
7 ~~except bowling centers.~~

8 **SECTION 16d.** 101.123 (1) (g) of the statutes, as affected by 2007 Wisconsin Act
9 (this act), is amended to read:

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

1 **2.** Page 9, line 10: delete “in a restaurant or tavern” and substitute “in
2 violation of this section”.

3 **3.** Page 9, line 18: after that line insert:

4 “**SECTION 44m.** 101.123 (2m) (c) 2. of the statutes, as created by 2007 Wisconsin
5 Act (this act), is amended to read:

6 101.123 **(2m)** (c) 2. Refusing to serve a person, if the person is smoking in
7 violation of this section in a restaurant or tavern.”.

8 **4.** Page 10, line 10: after that line insert:

9 “**SECTION 50g.** 101.123 (3g) of the statutes is created to read:

10 101.123 **(3g)** RESTAURANTS. (a) Subsection (2) (a) does not apply to restaurants
11 holding a “Class B” intoxicating liquor license or Class “B” fermented malt beverages
12 license if the sale of intoxicating liquors or fermented malt beverages or both
13 accounts for more than 50 percent of the restaurant’s receipts.

14 (b) Notwithstanding sub. (2) (a), a person in charge may designate smoking
15 areas in a restaurant subject to sub. (2) (a) unless a fire marshal, law, ordinance, or
16 resolution prohibits smoking. The person in charge shall post notice of the
17 designation of a smoking area in or near the area designated. If an entire room is
18 designated a smoking area, the person in charge shall post notice of the designation
19 conspicuously on or near all entrances to the room normally used by the public.

20 (c) A person in charge shall utilize, if possible, existing physical barriers and
21 ventilation systems when designating smoking areas. This paragraph requires no
22 new construction of physical barriers or ventilation systems in any building.

23 **SECTION 50r.** 101.123 (3g) of the statutes, as affected by 2007 Wisconsin Act
24 (this act), is repealed.”.

