



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBs0062/1
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**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2009 SENATE BILL 181**

May 13, 2009 – Offered by Representatives VUKMIR, SUDER, NEWCOMER, KRAMER,
GUNDERSON, KNODL, VOS and J. OTT.

1 **AN ACT** *to repeal* 101.123 (2) (c) and 101.123 (3) (d); *to renumber* 101.123 (1)
2 (a); *to amend* 101.123 (1) (g) and 101.123 (4) (a) 1.; and *to create* 101.123 (1)
3 (ab), 101.123 (2) (d), 101.123 (3) (dm), 101.123 (3) (e), 101.123 (3) (h), 101.123
4 (3m) and 101.123 (4) (a) 2m. of the statutes; **relating to:** smoking in
5 restaurants and bowling centers and the regulation of smoking by counties,
6 cities, villages, and towns.

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

7 **SECTION 1.** 101.123 (1) (a) of the statutes is renumbered 101.123 (1) (ag).

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

9 101.123 (1) (ab) “Bowling center” means premises on which one or more
10 bowling lanes are located.

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

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

5 **SECTION 4.** 101.123 (2) (c) of the statutes is repealed.

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

7 101.123 (2) (d) A county, city, village, or town may not enact or enforce an
8 ordinance or adopt or enforce a resolution regulating smoking unless the ordinance
9 or resolution strictly conforms with this section.

10 **SECTION 6.** 101.123 (3) (d) of the statutes is repealed.

11 **SECTION 7.** 101.123 (3) (dm) of the statutes is created to read:

12 101.123 (3) (dm) A separate room in a restaurant if the room has an
13 independent ventilation system that is entirely separate from the rest of the
14 restaurant.

15 **SECTION 8.** 101.123 (3) (e) of the statutes is created to read:

16 101.123 (3) (e) The bar area of a restaurant where alcohol beverages are sold
17 for consumption on the premises if the bar area includes a counter with seating for
18 customers and food is served in that area only incidental to the serving of alcohol
19 beverages.

20 **SECTION 9.** 101.123 (3) (h) of the statutes is created to read:

21 101.123 (3) (h) Bowling centers described under sub. (3m).

22 **SECTION 10.** 101.123 (3m) of the statutes is created to read:

23 101.123 (3m) BOWLING CENTERS. (a) A bowling center meets the exception
24 under sub. (3) (h) if all of the following apply:

25 1. The bowling center is not primarily devoted to the sale of alcohol beverages.

1 2. The bowling center prohibits smoking on each bowling lane, including the
2 approach to each bowling lane, and in the concourse area of the bowling center, if any,
3 during any time when the bowling center is holding league play for persons under
4 18 years of age.

5 3. The ventilation system in the bowling center is adequate to ventilate the
6 premises and to prevent effectively, to the maximum extent practicable, tobacco
7 smoke from entering any area where smoking is prohibited under this paragraph.

8 4. The bowling center establishes periods of time when smoking is prohibited
9 sufficient to meet the reasonable customer demand for such periods.

10 5. The bowling center provides to nonsmoking customers in a smoke-free area
11 the same services that it provides to smoking customers.

12 (b) Nothing in this subsection prohibits a bowling center from doing any of the
13 following:

14 1. Designating an area, including an entire room, of the bowling center as a
15 smoking area if the bowling center posts notice of the designation of a smoking area
16 in or near the area designated.

17 2. Allowing smoking in the entire bowling center, or an entire room of the
18 bowling center, for a limited period of time during which the room or bowling center
19 is being used exclusively for a private function.

20 **SECTION 11.** 101.123 (4) (a) 1. of the statutes is amended to read:

21 101.123 (4) (a) 1. Except as provided in subd. subds. 2. and 2m., a person in
22 charge or his or her agent may designate smoking areas in the places where smoking
23 is regulated under sub. (2) (a) unless a fire marshal, ~~law, ordinance or resolution~~
24 prohibits smoking.

25 **SECTION 12.** 101.123 (4) (a) 2m. of the statutes is created to read:

