

underscoring material = new
[bracketed material] = delete

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 329

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Richard C. Martinez

AN ACT

RELATING TO HEALTH; CREATING AN EXEMPTION TO SMOKING
PROHIBITIONS FOR BARS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 24-16-12 NMSA 1978 (being Laws 2007,
Chapter 20, Section 4) is amended to read:

"24-16-12. SMOKING-PERMITTED AREAS.--Notwithstanding any
other provision of the Dee Johnson Clean Indoor Air Act,
smoking-permitted areas include the following:

A. a private residence, except during hours of
business operation while it is being used commercially to
provide child care, adult care or health care or any
combination of those activities;

B. a retail tobacco store;

C. a cigar bar;

underscoring material = new
[bracketed material] = delete

1 D. a bar;

2 ~~[D.]~~ E. the facilities of a tobacco manufacturing
3 company licensed by the United States to manufacture tobacco
4 products that are operated by the company in its own name and
5 that are used exclusively by the company in its business of
6 manufacturing, marketing or distributing its tobacco products;
7 provided that smoke does not infiltrate other indoor workplaces
8 or other indoor public places where smoking is otherwise
9 prohibited under the Dee Johnson Clean Indoor Air Act;

10 ~~[E.]~~ F. a state-licensed gaming facility, casino or
11 bingo parlor;

12 ~~[F.]~~ G. an indoor workplace to the extent that
13 tobacco smoking is an integral part of a smoking cessation
14 program that is approved by the department or of medical or
15 scientific research that is conducted in the indoor workplace
16 and in which each room of the indoor workplace in which tobacco
17 smoking is permitted complies with signage requirements;

18 ~~[G.]~~ H. designated outdoor smoking areas;

19 ~~[H.]~~ I. private clubs;

20 ~~[I.]~~ J. a limousine under private hire;

21 ~~[J.]~~ K. hotel and motel rooms that are rented to
22 guests and are designated as smoking-permitted rooms; provided
23 that not more than twenty-five percent of rooms rented to
24 guests in a hotel or motel may be so designated;

25 ~~[K.]~~ L. enclosed areas within restaurants, bars and

underscored material = new
[bracketed material] = delete

1 hotel and motel conference or meeting rooms while these places
2 are being used for private functions; provided that none of
3 these areas are open to the general public while the private
4 functions are occurring and provided that smoke does not
5 infiltrate other indoor workplaces or indoor public places
6 where smoking is otherwise prohibited under the Dee Johnson
7 Clean Indoor Air Act;

8 [~~L.~~] M. a site that is being used in connection
9 with the practice of cultural or ceremonial activities by
10 Native Americans and that is in accordance with the federal
11 American Indian Religious Freedom Act, 42 U.S.C. 1996 and
12 1996a;

13 [~~M.~~] N. a business of a sole proprietor or a
14 business with fewer than two employees that is not commonly
15 accessible to the public; provided that:

16 (1) the business is not a restaurant or bar;

17 (2) the employer or manager of such business
18 shall provide a smoke-free work environment for each employee
19 requesting a smoke-free work environment; and

20 (3) cigarette smoke does not infiltrate other
21 smoke-free work environments as provided for in the Dee Johnson
22 Clean Indoor Air Act; and

23 [~~N.~~] O. a theatrical stage or a motion picture or
24 television production set when it is necessary for performers
25 to smoke as part of the production."

.175955.1