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SENATE BILL 351

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Shannon Robinson

AN ACT

RELATING TO PUBLIC HEALTH; ENACTING THE SMOKING ACCOMMODATIONS ACT; PROVIDING A PREEMPTION.

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

Section 1. SHORT TITLE.--This act may be cited as the "Smoking Accommodations Act".

Section 2. PURPOSE.--The purpose of the Smoking Accommodations Act is to prohibit smoking in designated areas and provide retail businesses with the option of providing designated smoke-free and smoking-permitted areas on the business premises or permitting smoking anywhere on the business premises.

Section 3. DEFINITION.--As used in the Smoking Accommodations Act, "smoking" means the act of inhaling the smoke from or possessing a lighted cigarette, cigar, pipe or any other form of tobacco or similar substance used for smoking.

Section 4. RETAIL BUSINESS--SMOKING REGULATION.--In all enclosed areas of retail businesses during the hours in which the public is invited or permitted access, smoking is prohibited unless the owner, manager or operator of the business designates all or a portion of

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1 those areas of the business as designated smoking-permitted areas.

2 Section 5. PREEMPTION.--No agency of the state or governing body or agency of a
3 municipality or county shall adopt policies, rules or ordinances that are more stringent than or
4 fail to comply with the provisions of the Smoking Accommodations Act. The provisions of the
5 Smoking Accommodations Act shall not apply to or affect any municipal or county ordinances
6 in effect prior to July 1, 1999.

7 Section 6. SEVERABILITY.--If any part or application of the Smoking
8 Accommodations Act is held invalid, the remainder or its application to other situations or
9 persons shall not be affected.

10 Section 7. EFFECTIVE DATE.--The effective date of the provisions of this act is July
11 1, 1999.

1 **FORTY-FOURTH LEGISLATURE**

2 **FIRST SESSION, 1999**

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6 February 10, 1999

7
8 Mr. President:

9
10 Your **PUBLIC AFFAIRS COMMITTEE**, to whom has been referred

11
12 **SENATE BILL 351**

13
14 has had it under consideration and reports same with recommendation that it **DO PASS**, and

15
16 hence referred to the **CORPORATIONS & TRANSPORTATION**

17 **COMMITTEE.**

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19 Respectfully submitted,

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25 **Shannon Robinson, Chairman**

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

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Date _____

The roll call vote was 7 For 1 Against

Yes: 7

No: Feldman

Excused: Smith

Absent: None

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1 **FORTY-FOURTH LEGISLATURE**

2 **FIRST SESSION, 1999**

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5
6 February 23, 1999

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8 Mr. President:

9
10 Your **CORPORATIONS & TRANSPORTATION COMMITTEE**, to
11 whom has been referred

12
13 **SENATE BILL 351**

14
15 has had it under consideration and reports same with recommendation that it **DO PASS**.

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18 Respectfully submitted,

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23 **Roman M. Maes, Chairman**

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

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Date _____

The roll call vote was 4 For 2 Against

Yes: 4

No: McKibben, Maes

Excused: Kidd, Kysar, Macias, Rawson

Absent: None

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

February 26, 1999

SENATE FLOOR AMENDMENT number ____ to SENATE BILL 351

AMENDMENT sponsored by SENATOR ADAIR

1. On page 2, line 8, after the period add:

"Businesses affected by this statute shall post at the public entrance to the building, in a manner clearly visible to patrons the designation of the premises as to smoking policy. The sign will indicate either "smoking section provided" or "smoke-free facility"."

Senator Rod Adair

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

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FORTY-FOURTH LEGISLATURE

FIRST SESSION

February 25, 1999

SENATE FLOOR AMENDMENT number _____ to SENATE BILL 351

Amendment sponsored by Senator Roman M. Maes, III

1. Strike Senate Floor Amendment 1.

2. On page 2, line 3, after "REGULATION" insert "--NOTICE REQUIRED" and before "In" insert the subsection designation "A."

3. On page 2, between lines 8 and 9, insert the following new subsections:

"B. A business that has designated a smoking-permitted area pursuant to Subsection A of this section shall prominently display at the entrance to the business a notice stating that smoking is permitted.

C. Any advertising by a business that has designated a smoking-permitted area pursuant to Subsection A of this section shall state that smoking is permitted on the business

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FORTY-FOURTH LEGISLATURE
FIRST SESSION

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SF1/SB 351

Page 10

premises."

Roman M. Maes, III

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

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128215.3

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FORTY-FOURTH LEGISLATURE
FIRST SESSION

SFI/SB 351

Page 11

FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

February 26, 1999

SENATE FLOOR AMENDMENT number ____ to SENATE BILL 351, as amended,

AMENDMENT sponsored by SENATOR McSORLEY

1. On page 2, line 11, strike the word "more" and insert in lieu thereof the word "less".
2. On page 2, line 13, strike everything after the period.
3. On page 2, strike lines 14 and 15.

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FORTY-FOURTH LEGISLATURE
FIRST SESSION

SFI/SB 351

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Senator Cisco McSorley

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

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FORTY-FOURTH LEGISLATURE
FIRST SESSION

SFI/SB 351

Page 13

FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

February 26, 1999

SENATE FLOOR AMENDMENT number ____ to SENATE BILL 351, as amended,

AMENDMENT sponsored by SENATOR ADAIR

1. On page 2, in the amended section, after the word "permitted"; strike the period, add a comma, and the following:

"or indicate that the establishment is entirely smoke-free."

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FORTY-FOURTH LEGISLATURE
FIRST SESSION

SFI/SB 351

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Senator Rod Adair

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

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