

CHAPTER 72**(HB 493)**

AN ACT relating to nonsmoking in public areas of the Capitol and Capitol Annex.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO READ AS FOLLOWS:

- (1) *As of the effective date of this Act, there shall be no smoking in public areas of the Capitol or Capitol Annex, except as permitted in subsection (2) of this section. For purposes of this section, "public area" means any hallway, office shared by more than one (1) person, stairwell, restroom, meeting room, cafeteria, or conference room.*
- (2) *The governing authority for each branch of state government, each in regard to space allocated to and occupied by that respective branch of state government, may designate one (1) or more smoking areas in the Capitol and one (1) or more smoking areas in the Capitol Annex. Each smoking area shall be an enclosed area that is not a public area, is clearly designated as a smoking area, and is maintained by a ventilation system that does not disburse the smoke or smoke byproducts into any other area of the Capitol or Capitol Annex.*

Section 2. KRS 61.165 is amended to read as follows:

Except as otherwise specified for the Capitol and Capitol Annex in Section 1 of this Act, a policy for smoking in governmental office buildings or workplaces may be adopted by state, county, municipal, special district, or urban-county governments.

- (1) *Except as otherwise specified for the Capitol and Capitol Annex in Section 1 of this Act, any policy relating to smoking in state office buildings or workplaces shall:*
 - (a) Be by executive order of the Governor or action of the General Assembly;
 - (b) Require the governmental authority to provide accessible indoor smoking areas in any buildings where smoking is otherwise restricted; and
 - (c) Favor allowing smoking in open public areas where ventilation and air exchange are adequate and there are no restrictions otherwise placed on the area by the state fire marshal or other similar authority.
- (2) Any policy relating to smoking in governmental office buildings or workplaces of counties, municipalities, special districts, or urban-county governments shall:
 - (a) Be adopted by the legislative body of the government;
 - (b) Be in writing;
 - (c) Require the government authority to provide accessible indoor smoking areas in any buildings where smoking is otherwise restricted; and
 - (d) Favor allowing smoking in open public areas where ventilation and air exchange are adequate and there are no restrictions otherwise placed on the area by the state fire marshal or other similar authority.

- (3) This section shall not apply to state universities, state-operated hospitals and residential facilities for the mentally ill and the mentally retarded, state-operated veterans' nursing homes and health facilities, and jails or detention facilities.

Approved April 7, 2004