

CHAPTER 115

(HB 55)

AN ACT relating to smoking.

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

Section 1. KRS 61.165 is amended to read as follows:

- (1) Except as otherwise specified for the Capitol and Capitol Annex in KRS 61.167, a policy for smoking in governmental office buildings or workplaces ~~shall~~~~may~~ be adopted by state **government**. ***This policy shall apply to all state-owned or operated office buildings, workplaces, and facilities, including but not limited to state-operated hospitals and residential facilities for the mentally retarded, state-operated veterans' nursing homes and health facilities, and any correctional facility owned, operated, or under the jurisdiction of the state***~~[, county, municipal, special district, or urban-county governments]~~.
- (2)~~(1)~~ Except as otherwise specified for the Capitol and Capitol Annex in KRS 61.167, any policy relating to smoking in state office buildings or workplaces shall ~~be~~:
- (a)~~—~~ be by executive order of the Governor or action of the General Assembly, ***and shall:***
- (a) 1.~~(b)~~ Require the governmental authority to provide accessible indoor smoking areas in any buildings where smoking is otherwise restricted; and
- 2.~~(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; ***or***
- (b) ***Prohibit indoor smoking.***
- (3)~~(2)~~ ***Except as otherwise specified for the Capitol and Capitol Annex in KRS 61.167, a policy for smoking in governmental office buildings or workplaces may be adopted by county, municipal, special district, urban-county, charter county, or consolidated local governments. Any policy adopted under this subsection may apply to any office buildings, workplaces, or facilities that are owned, operated, or under the jurisdiction of that government, including but not limited to jails and detention facilities. Any policy relating to smoking in governmental office buildings or workplaces of counties, municipalities, special districts,*** ~~or~~ ***urban-county governments, charter county governments, or consolidated local governments shall*** ~~be~~:
- (a)~~—~~ be adopted ***in writing*** by the legislative body of the government ***and shall:***
- (a) 1.~~(b)~~ ~~Be in writing;~~
- (c)~~—~~ Require the government authority to provide accessible indoor smoking areas in any buildings where smoking is otherwise restricted; and
- 2.~~(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; ***or***
- (b) ***Prohibit indoor smoking.***
- (4) ***Each board of regents or trustees for each of the state postsecondary education institutions shall adopt a written policy relating to smoking in all buildings owned, operated, or under the jurisdiction of the state postsecondary education institutions that shall:***
- (a) 1. ***Provide accessible indoor smoking areas in any buildings where smoking is otherwise restricted; and***
2. ***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; or***
- (b) ***Prohibit indoor smoking.***

~~{(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 4, 2006.