

HOUSE OF REPRESENTATIVES

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM  
2015 REGULAR SESSION  
**Unofficial Document**

Amend printed copy of HB 145

From page 1, line 3, through page 10, line 22, by deleting Sections 1 through 10 in their entirety and inserting the following in lieu thereof:

"➔SECTION 1. A NEW SECTION OF KRS CHAPTER 438 IS CREATED TO READ AS FOLLOWS:

**(1) As used in this section:**

**(a) "Local government" means a city, county, charter county, consolidated local government, urban-county government, or unified local government; and**

**(b) "Use tobacco," "use of tobacco," or "tobacco use" means:**

- 1. The inhaling, exhaling, burning, or carrying of any lighted or heated cigar, cigarette, hookah, pipe, plant, or any other lighted or heated tobacco product or other material intended for inhalation, in any manner or any form;**
- 2. The use of an electronic cigarette or an e-cigarette or a vaping device which creates a vapor, aerosol, or mist in any manner or in any form;**
- 3. The use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this section; or**
- 4. The consumption or other use of any tobacco product.**

**(2) A person shall not use tobacco on any property owned, leased, or contracted for use by**

Amendment No. HFA 8

Sponsor: Mitchel B. "Mike" Denham

Committee Amendment: \_\_\_\_\_

Signed: \_\_\_\_\_

Floor Amendment: \_\_\_\_\_

LRD Drafter: Scott, Jonathan

Adopted: \_\_\_\_\_

Date: \_\_\_\_\_

Rejected: \_\_\_\_\_

Doc. ID: XXXXX

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- the executive branch, legislative branch, or judicial branch of state government, including but not limited to all buildings or portions of buildings, land and vehicles owned, leased, or contracted for use by agencies or instrumentalities of the executive branch, legislative branch, or judicial branch of state government.
- (3) A person shall not use tobacco on any property owned, leased, or contracted for use by a municipal or local government.
- (4) A person shall not use tobacco on any property owned, leased, or contracted for use by a local school board.
- (5) The prohibition on tobacco use established in this section is encouraged but shall not apply to a private or parochial school.
- (6) Skilled nursing facilities, intermediate care facilities, acute care hospitals, and personal care homes owned or operated by the Cabinet for Health and Family Services shall prohibit tobacco use in accordance with administrative regulations promulgated by the Finance and Administration Cabinet in consultation with the Cabinet for Health and Family Services.
- (7) Any existing veterans' center shall prohibit tobacco use in accordance with administrative regulations promulgated by the Finance and Administration Cabinet in consultation with the Department of Veterans' Affairs.
- (8) The prohibition on tobacco use established in this section is encouraged but shall not apply to the outdoor areas of Kentucky state parks, the Kentucky Horse Park, wildlife management areas, highway rest areas, the Kentucky state fairgrounds, Bluegrass Station, and training centers operated by the Department of Military Affairs.
- (9) The prohibition on tobacco use established in this section shall not apply to the outdoor areas of armories managed or operated by the Department of Military Affairs during those time periods when those outdoor areas are rented for use by third parties.

**(10) Nothing in this section shall restrict the authority of the commissioner of the Department of Corrections to regulate and authorize smoking or other tobacco use by inmates of the state penal institutions.**

**(11) Nothing in this section shall be interpreted or construed to permit smoking where it is otherwise restricted by law, administrative regulation, or executive order.**

**(12) Nothing in this section shall be construed to:**

**(a) Prevent a local government from adopting local ordinances or regulations relating to smoking in public places, places of employment, and nonenclosed areas that are more restrictive than this section;**

**(b) Repeal any existing local ordinances or regulations that provide restrictions on smoking in addition to those provided in this section; or**

**(c) Prevent a local government, local health department, or local board of health from implementing or enforcing the provisions of this section.**

➔Section 2. The following KRS sections are repealed:

61.165 Smoking policy for governmental office buildings or workplaces and postsecondary education institutions.

61.167 Smoking prohibited in public areas of Capitol and Capitol Annex -- "Public area" defined -- Each branch may designate smoking areas -- Requirements for smoking area.

438.050 Smoking on school premises -- Exception."