

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

463E0556

HOUSE BILL NO. 1115

Introduced by: Representatives Frost, Elliott, Hansen (Tom), Hundstad, and Sutton
(Duane) and Senators Diedtrich (Elmer) and Dennert

1 FOR AN ACT ENTITLED, An Act to prohibit smoking in certain public places.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. Terms used in this Act mean:

4 (1) "Public accommodations," any place, establishment, or facility of whatever kind,
5 nature, or class that caters or offers services, facilities, or goods to the general public
6 for a fee, charge, or gratuitously;

7 (2) "Tobacco product," any item made of tobacco intended for human consumption,
8 including cigarettes, cigars, and pipe tobacco.

9 Section 2. No person may smoke tobacco or carry any lighted tobacco product in any
10 common area of any public accommodation. This section does not apply to the following:

11 (1) Any building owned and operated by a social, fraternal, or religious organization
12 when used by the membership of the organization, its guests or families, or any facility
13 that is rented or leased for private functions from which the public is excluded and for
14 which arrangements are under the control of the sponsor of the function; or

15 (2) Any designated enclosed smoking area of a workplace that nonsmoking employees

1 are not required to visit on a regular basis.

2 Section 3. Any representative of a public accommodation who observes a person in
3 possession of a lighted tobacco product shall ask the person to extinguish the tobacco product.
4 If the person persists in the possession of a lighted tobacco product, the representative shall ask
5 the person to leave the premises.

6 Section 4. Any public accommodation that derives seventy-five percent or more of its annual
7 sales from the sale of alcohol or gaming is exempt from the provisions of this Act.

8 Section 5. That § 22-36-2 be repealed.

9 ~~22-36-2. No person may smoke tobacco or carry any lighted tobacco product in the~~
10 ~~following places:~~

11 ~~(1) Any hospital or medical or dental clinic;~~

12 ~~(2) Any nursing facility;~~

13 ~~(3) Any public library, museum, indoor theater, or concert hall;~~

14 ~~(4) Any elementary or secondary school building;~~

15 ~~(5) Any public conveyance;~~

16 ~~(6) Any jury room;~~

17 ~~(7) Any elevator;~~

18 ~~(8) Any registered or unregistered day care program, day care center, day care~~
19 ~~cooperative, or family day care home governed by chapter 26-6 during the time in~~
20 ~~which children who are not family members of the day care provider are receiving~~
21 ~~care.~~

22 ~~This section does not prohibit the smoking of tobacco or tobacco products in the places~~
23 ~~named in this section, if the smoking is confined to areas designated as smoking areas.~~

24 ~~A violation of this section is a petty offense.~~