

AN ACT

ENTITLED, An Act to prohibit smoking in public places.

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

Section 1. That § 22-36-2 be amended to read as follows:

22-36-2. No person may smoke tobacco or carry any lighted tobacco product in any public place or place of employment. This section does not apply to any sleeping room in a lodging establishment as defined in § 34-18-1, to any on-sale licensee pursuant to chapter 35-4, to any video lottery licensed establishment pursuant to chapter 42-7A, to any licensee pursuant to chapter 42-7B, or to any tobacco or packaged liquor store if the store is primarily used for the sale of tobacco or alcoholic beverages, or both, and the sale of other products is merely incidental.

A violation of this section is a petty offense.

Section 2. For the purposes of this Act, a public place is any enclosed indoor area to which the public is invited or to which the public is permitted, including any hospital or medical or dental clinic; any nursing facility; any public library, museum, theater, or concert hall; any elementary or secondary school building; any public conveyance; any jury room; any elevator; any reception area; any restaurant; any retail service establishment; any retail store; and any registered or unregistered day care program, day care center, day care cooperative, or family day care home governed by chapter 26-6 during the time in which children who are not family members of the day care provider are receiving care. A private residence is not a public place unless it is used for day care.

Section 3. For the purposes of this Act, a place of employment is any enclosed indoor area under the control of a public or private employer, including work areas, employee lounges and restrooms, conference and class rooms, employee cafeterias, and hallways. A private residence is not a place of employment unless it is used for day care.

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I certify that the attached Act originated in the

SENATE as Bill No. 118

Secretary of the Senate

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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 118
File No. _____
Chapter No. _____

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Received at this Executive Office this ____ day of _____ ,

20__ at _____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 20__

Governor

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STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____ , 20__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State