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ELECTIONS/LICENSING
SECRETARY OF STATE

Summary of Comments on TO: Kirk Minek,
Director

Page: 1

Author: MIP
Subject: None
Date: 4/24/2006 2:57:48 PM
Content: Information has changed

Author: MIP
Subject: None
Date: 4/24/2006 2:58:01 PM
All uppercase repeated text has been converted to title case. Sections 1-8 have been compressed to one section. Section 1.

NOVEMBER 7, 2006

Proposer:

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REPEAL OF COLORADO CLEAN INDOOR AIR ACT PART 2

BE IT ENACTED BY THE PEOPLE OF THE STATE OF COLORADO:

SECTION 1. Repeal Part 2 of article 14, of title 25, Colorado Revised Statutes, is repealed as follows:

25-14-201, Short title. This part 2 shall be known and may be cited as the "Colorado Clean Indoor Air Act".

25-14-202, Legislative declaration. The general assembly hereby finds and determines that it is in the best interest of the people of this state to protect themselves from involuntary exposure to environmental tobacco smoke in public indoor areas open to the public, public meetings, food services establishments,

Amended Text #10a(A)

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- (14) "prohibits advertising" means any advertising open to the public pursuant to part 1 of article 6 of title 24, chapter 100, or any other law of this state;
- (15) "dealer" means a person who is engaged in a place of advertising in prohibited use or this part 2;
- (16) "advertising" means the conveying of a visual message by any means, whether or not the message is for advertising purposes, but not including the conveying of a message by any means, whether or not the message is for advertising purposes, if the message is conveyed by a person who is engaged in a place of advertising in prohibited use or this part 2;
- (17) "business" means a person, organization, partnership, corporation, and proprietor, partnership, trust, and any other person, organization, partnership, corporation, and proprietor, whether or not the person, organization, partnership, corporation, and proprietor is a natural person, who is engaged in a place of advertising in prohibited use or this part 2;
- (18) "business" means a person, organization, partnership, corporation, and proprietor, partnership, trust, and any other person, organization, partnership, corporation, and proprietor, whether or not the person, organization, partnership, corporation, and proprietor is a natural person, who is engaged in a place of advertising in prohibited use or this part 2;
- (19) "business" means a person, organization, partnership, corporation, and proprietor, partnership, trust, and any other person, organization, partnership, corporation, and proprietor, whether or not the person, organization, partnership, corporation, and proprietor is a natural person, who is engaged in a place of advertising in prohibited use or this part 2;

25-14-204. General smoking restrictions. (1) Except as provided in sections 25-14-205 and in order to reduce the level of exposure to environmental tobacco smoke, smoking shall be prohibited and no person shall transfer in any indoor area, including but not limited to:

- (a) public meeting places;
- (b) elevators;
- (c) government-owned or regulated means of mass transportation, including but not limited to buses, trolleys, and ferries;
- (d) theaters and libraries;
- (e) assembly areas;
- (f) restaurants;
- (g) any building used for religious purposes;
- (h) workplaces;

This page contains no comments

25-14-705. Exceptions to smoking restrictions (1) Use part 2 shall not apply

- (a) private premises provide real-estate and private services; or
- (b) private premises provide real-estate and private services; or
- (c) private premises provide real-estate and private services; or
- (d) private premises provide real-estate and private services; or
- (e) private premises provide real-estate and private services; or
- (f) private premises provide real-estate and private services; or
- (g) private premises provide real-estate and private services; or
- (h) private premises provide real-estate and private services; or
- (i) private premises provide real-estate and private services; or
- (j) private premises provide real-estate and private services; or
- (k) private premises provide real-estate and private services; or
- (l) private premises provide real-estate and private services; or
- (m) private premises provide real-estate and private services; or
- (n) private premises provide real-estate and private services; or
- (o) private premises provide real-estate and private services; or
- (p) private premises provide real-estate and private services; or
- (q) private premises provide real-estate and private services; or
- (r) private premises provide real-estate and private services; or
- (s) private premises provide real-estate and private services; or
- (t) private premises provide real-estate and private services; or
- (u) private premises provide real-estate and private services; or
- (v) private premises provide real-estate and private services; or
- (w) private premises provide real-estate and private services; or
- (x) private premises provide real-estate and private services; or
- (y) private premises provide real-estate and private services; or
- (z) private premises provide real-estate and private services; or

25-14-205. Openness provisions (1) The owner or manager of any place not regulated by this section 25-14-204, including any place where any person is engaged in any business, shall not be held liable for any violation of this section 25-14-205, if the owner or manager of the place has taken all reasonable steps to ensure compliance with this section 25-14-205, including, but not limited to, the following: (a) the owner or manager of the place has posted signs in the place of the business, in plain view of the public, that the place is not regulated by this section 25-14-205; (b) the owner or manager of the place has posted signs in the place of the business, in plain view of the public, that the place is not regulated by this section 25-14-205; (c) the owner or manager of the place has posted signs in the place of the business, in plain view of the public, that the place is not regulated by this section 25-14-205; (d) the owner or manager of the place has posted signs in the place of the business, in plain view of the public, that the place is not regulated by this section 25-14-205; (e) the owner or manager of the place has posted signs in the place of the business, in plain view of the public, that the place is not regulated by this section 25-14-205; (f) the owner or manager of the place has posted signs in the place of the business, in plain view of the public, that the place is not regulated by this section 25-14-205; (g) the owner or manager of the place has posted signs in the place of the business, in plain view of the public, that the place is not regulated by this section 25-14-205; (h) the owner or manager of the place has posted signs in the place of the business, in plain view of the public, that the place is not regulated by this section 25-14-205; (i) the owner or manager of the place has posted signs in the place of the business, in plain view of the public, that the place is not regulated by this section 25-14-205; (j) the owner or manager of the place has posted signs in the place of the business, in plain view of the public, that the place is not regulated by this section 25-14-205; (k) the owner or manager of the place has posted signs in the place of the business, in plain view of the public, that the place is not regulated by this section 25-14-205; (l) the owner or manager of the place has posted signs in the place of the business, in plain view of the public, that the place is not regulated by this section 25-14-205; (m) the owner or manager of the place has posted signs in the place of the business, in plain view of the public, that the place is not regulated by this section 25-14-205; (n) the owner or manager of the place has posted signs in the place of the business, in plain view of the public, that the place is not regulated by this section 25-14-205; (o) the owner or manager of the place has posted signs in the place of the business, in plain view of the public, that the place is not regulated by this section 25-14-205; (p) the owner or manager of the place has posted signs in the place of the business, in plain view of the public, that the place is not regulated by this section 25-14-205; (q) the owner or manager of the place has posted signs in the place of the business, in plain view of the public, that the place is not regulated by this section 25-14-205; (r) the owner or manager of the place has posted signs in the place of the business, in plain view of the public, that the place is not regulated by this section 25-14-205; (s) the owner or manager of the place has posted signs in the place of the business, in plain view of the public, that the place is not regulated by this section 25-14-205; (t) the owner or manager of the place has posted signs in the place of the business, in plain view of the public, that the place is not regulated by this section 25-14-205; (u) the owner or manager of the place has posted signs in the place of the business, in plain view of the public, that the place is not regulated by this section 25-14-205; (v) the owner or manager of the place has posted signs in the place of the business, in plain view of the public, that the place is not regulated by this section 25-14-205; (w) the owner or manager of the place has posted signs in the place of the business, in plain view of the public, that the place is not regulated by this section 25-14-205; (x) the owner or manager of the place has posted signs in the place of the business, in plain view of the public, that the place is not regulated by this section 25-14-205; (y) the owner or manager of the place has posted signs in the place of the business, in plain view of the public, that the place is not regulated by this section 25-14-205; (z) the owner or manager of the place has posted signs in the place of the business, in plain view of the public, that the place is not regulated by this section 25-14-205.

25-14-207. Other applicable regulations of smoking - local government regulations authorized. (1) This part 2 shall not be held applicable to any other applicable law.

applications of any person or persons who have been convicted of a crime involving the sale, distribution, or possession of this product. The person shall be given the right to be heard in a hearing before the commission and to file with the commission of this part 2 and forward to the commission.

SECTION 2, 25-14-101, Colorado Revised Statutes, is RECREATED AND REENACTED, WITH AMENDMENT to read:

25-14-101. Legislative declaration. WE THE PEOPLE OF THE STATE OF COLORADO HEREBY DECLARE THAT THE SMOKING OF TOBACCO OR ANY OTHER PLANT OR WEED UNDER CERTAIN CONDITIONS IS A MATTER OF PUBLIC CONCERN AND THAT IN ORDER TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE IT IS NECESSARY TO CONTROL SUCH SMOKING IN CERTAIN PUBLIC PLACES. WE ALSO HEREBY FIND AND DETERMINE THAT IT IS THE RIGHT OF THE BUSINESS OWNER TO ACCOMMODATE OR DENY THE USE OF TOBACCO PRODUCTS ON HIS OR HER PREMISE.

SECTION 3, 25-14-102, Colorado Revised Statutes, is RECREATED AND REENACTED, to read:

25-14-102. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

- (1) "PUBLIC MEETING" MEANS ANY MEETING REQUIRED TO BE OPEN TO THE PUBLIC PURSUANT TO PART 4 OF ARTICLE 6 OF TITLE 24, C.R.S.
- (2) "PUBLIC PLACE" MEANS ANY ENCLOSED, INDOOR AREA USED BY THE GENERAL PUBLIC OR SERVING AS A PLACE OF WORK INCLUDING, BUT NOT LIMITED TO, RESTAURANTS, RETAIL STORES, OTHER COMMERCIAL ESTABLISHMENTS, GOVERNMENTAL OFFICES, WAITING ROOMS OF HEALTH CARE PROFESSIONALS, PUBLIC CONVEYANCES, EDUCATIONAL FACILITIES, HOSPITALS, NURSING HOMES, AUDITORIUMS, ARENAS, ASSEMBLY AND MEETING ROOMS, AND REST ROOMS, BUT THE TERM DOES NOT INCLUDE ENCLOSED OFFICES OCCUPIED EXCLUSIVELY BY SMOKERS, EVEN THOUGH SUCH OFFICES MAY BE VISITED BY NONSMOKERS.
- (3) "SMOKING" MEANS THE CARRYING OF A LIGHTED PIPE, LIGHTED CIGAR, OR LIGHTED CIGARETTE OF ANY KIND AND INCLUDES THE LIGHTING OF A PIPE, CIGAR, OR CIGARETTE OF ANY KIND.

SECTION 4, 25-14-103, Colorado Revised Statutes, is RECREATED AND REENACTED, to read:

Page: 8

Author: His
Subject: N/A
Date: 4/24/2006 2:58:43 PM
Revisions removed from beginning of the section and added RECREATED AND REENACTED, WITH AMENDMENTS, to read:

Author: His
Subject: N/A
Date: 4/24/2006 2:58:02 PM
Revisions removed from beginning of the section and added RECREATED AND REENACTED, to read:

Author: His
Subject: N/A
Date: 4/24/2006 2:58:14 PM
Revisions removed from beginning of the section and added RECREATED AND REENACTED, to read: Also changed uppercase to lower case on sub section with in 25-14-103.

This page contains no comments

25-14-103. Smoking prohibited in certain public places.

- (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION (1), SMOKING IS PROHIBITED IN THE FOLLOWING PUBLIC PLACES:
- (a) ELEVATORS, MUSEUMS, GALLERIES, AND LIBRARIES OF ANY ESTABLISHMENT DOING BUSINESS WITH THE GENERAL PUBLIC;
 - (b) (i) ALL HOSPITAL ELEVATORS AND CORRIDORS AND WHEREVER COMBUSTIBLE SUPPLIES OR MATERIALS ARE STORED AND WHEREVER FLAMMABLE LIQUIDS OR GASES OR OXYGEN IS STORED OR IN USE IN THE HOSPITAL. IN ADDITION TO THE SPECIFIC PROHIBITIONS PROVIDED IN THIS SUBPARAGRAPH (i), HOSPITALS SHALL:
 - (a) ALLOW ALL PATIENTS, PRIOR TO ELECTIVE ADMISSION, TO CHOOSE TO BE IN A NO SMOKING PATIENT ROOM AND, WHEN POSSIBLE, ACCOMMODATE SUCH REQUEST;
 - (b) PROHIBIT EMPLOYEES FROM SMOKING IN PATIENT ROOMS;
 - (c) REQUIRE THAT VISITORS OBTAIN EXPRESS APPROVAL FROM ALL PATIENTS IN A PATIENT ROOM PRIOR TO SMOKING;
 - (ii) ALL AREAS OF A HOSPITAL NOT SPECIFICALLY REFERRED TO IN THIS PARAGRAPH (b) SHALL BE CONSIDERED SMOKING AREAS UNLESS POSTED OTHERWISE.
 - (iii) NOTHING IN THIS SECTION SHALL PROHIBIT A HOSPITAL FROM BANNING SMOKING ON ALL OR PART OF ITS PREMISES.
 - (iv) NO OTHER RESTRICTIONS PROVIDED IN THIS ARTICLE SHALL APPLY TO HOSPITALS LICENSED PURSUANT TO ARTICLE 3 OF THIS TITLE OR HOLDING A VALID CERTIFICATE OF COMPLIANCE PURSUANT TO SECTION 25-1-5-103 (1) (A) (ii).
 - (g) WAITING ROOMS AND MEETING ROOMS LOCATED IN ALL BUILDINGS OWNED OR OPERATED BY THE EXECUTIVE AND JUDICIAL BRANCHES OF GOVERNMENT OF THE STATE OF COLORADO OR ANY POLITICAL SUBDIVISION THEREOF EXCEPT IN AREAS DESIGNATED FOR SMOKING;
 - (4) ANY BUILDING USED OR DESIGNED PRIMARILY FOR THE PURPOSE OF EXHIBITING ANY MOTION PICTURE, STAGE DRAMA, LECTURE, MUSICAL RECITAL, OR OTHER SUCH PERFORMANCE WHENEVER OPEN TO THE PUBLIC, EXCEPT THAT, UNLESS OTHERWISE PROHIBITED BY LOCAL ORDINANCE OR REGULATION, SMOKING SHALL BE ALLOWED IN AN AREA COMMONLY REFERRED TO AS A LOBBY IF SUCH LOBBY IS REASONABLY SEPARATED FROM THE SPECTATOR AREA AND IN DESIGNATED SEATING AREAS OF MOVING PICTURE THEATERS WHERE VENTILATION IS ADEQUATE TO ACHIEVE THE PURPOSES OF THIS ARTICLE. THIS PROHIBITION APPLIES ALSO TO ENCLOSED SPORTING ARENAS.

Page: 10

Author: jls
Subject: jls
Date: 4/24/2006 2:59:28 PM
Revisions removed from highlighting of the section and added "RECREATED AND REENACTED, in read". Also changed uppercase to lower case on sub section with fr 25-14-103.7.

(c) PUBLIC TRANSPORTATION VEHICLES WHEN OPEN TO THE PUBLIC, EXCEPT IN DESIGNATED SMOKING AREAS.
(2) RESTAURANTS AND TAVERNS ARE NOT SUBJECT TO THE SPECIFIC PROHIBITIONS OF THIS ARTICLE, BUT RESTAURANTS AND TAVERNS ARE ENCOURAGED, WHENEVER POSSIBLE, TO SEAT NONSMOKERS IN AN AREA AWAY FROM SMOKERS. ANY PUBLIC PLACE WHERE FOOD IS SOLD OR SERVED AND IN WHICH NEITHER A SMOKING NOR A NONSMOKING AREA IS DESIGNATED SHALL POST A SIGN IN A CONSPICUOUS PLACE AT OR INSIDE ITS ENTRANCE INDICATING WHETHER OR NOT PROVISIONS HAVE BEEN MADE FOR NONSMOKERS.

(3) THE OWNER, MANAGER, OR ANY PERSON IN CHARGE OF A PUBLIC PLACE SPECIFIED IN SUBSECTION (1) OF THIS SECTION SHALL CONTROL SMOKING THROUGHOUT SUCH PUBLIC PLACE BY POSTING SIGNS WHICH CLEARLY DESIGNATE NONSMOKING AND, WHERE PROVIDED, SMOKING AREAS. SUCH SIGNS SHALL BE EXPLICIT AND CONSPICUOUS, BUT THE WORDING, SIZE, COLOR, DESIGN, AND PLACE OF POSTING SHALL BE AT THE DISCRETION OF THE OWNER, MANAGER, OR PERSON IN CHARGE.

(4) THOSE IN CHARGE OF OFFICES AND COMMERCIAL ESTABLISHMENTS THAT PROVIDE EMPLOYMENT FOR THE GENERAL PUBLIC ARE ENCOURAGED TO DESIGNATE NONSMOKING AREAS THAT ARE PHYSICALLY SEPARATED FROM THE WORKING ENVIRONMENTS WHERE OTHER EMPLOYEES SMOKE. EVERY EFFORT SHALL BE MADE TO PROVIDE A SEPARATE AREA FOR NONSMOKERS IN EMPLOYEE LOUNGES AND CAFETERIAS.

SECTION 5, 25-14-103.7, Colorado Revised Statutes, is RECREATED AND REENACTED, in read.

25-14-103.7. Control of smoking in state legislative buildings.

- (1) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, SMOKING IS PROHIBITED IN ALL STATE LEGISLATIVE BUILDINGS.
- (2) THE LEGISLATIVE COUNCIL CREATED BY SECTION 2-3-301, C.R.S., OR ITS DESIGNER:
 - (a) MAY DESIGNATE AREAS IN LEGISLATIVE BUILDINGS WHERE SMOKING IS PERMITTED;
 - (b) SHALL CONSIDER PROPOSALS TO REDESIGNATE ANY AREA DESIGNATED AS A SMOKING AREA PURSUANT TO PARAGRAPH (A) OF THIS SUBSECTION (2);
 - (c) SHALL ESTABLISH A SMOKING POLICY FOR OFFICE SPACE WITHIN LEGISLATIVE BUILDINGS; AND

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(D) SHALL ENSURE THAT SIGNS ARE POSTED THAT CLEARLY DESIGNATE NONSMOKING AND SMOKING AREAS.

(3) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, THE CONTROL OR LIMITATION OF SMOKING IN THE CHAMBERS, ANTICAMBERS, COMMITTEE ROOMS OF

THE SENATE AND THE HOUSE OF REPRESENTATIVES, AND OFFICE SPACE ASSIGNED TO AND OCCUPIED BY LEGISLATORS SHALL BE GOVERNED BY THE PROVISIONS OF SECTION 2-2-404 (1.5), C.R.S.

(4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "LEGISLATIVE BUILDING" MEANS ANY BUILDING WHICH IS OWNED OR OPERATED BY THE LEGISLATIVE BRANCH AND WHICH IS UNDER THE DIRECTION AND CONTROL OF SUCH BRANCH.

(b) "SMOKING" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 25-14-102 (3).

SECTION 6, 25-14-104, Colorado Revised Statutes, is REPEALED AND REENACTED, to read:

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SECTION 6, 25-14-104, Colorado Revised Statutes, is REPEALED AND REENACTED, to read:

Author: Me
Subject: Note
Date: 4/27/2006 3:00:05 PM
Revisions removed from beginning of the section and added RECREATED AND REENACTED, to read:
Author: Me
Subject: Note
Date: 4/27/2006 3:00:11 PM
Revisions removed from beginning of the section and added RECREATED AND REENACTED, to read:

25-14-104. Local regulations. NOTHING IN THIS ARTICLE SHALL PREVENT ANY TOWN, CITY, OR COUNTY AND COUNTY NOR ANY COUNTY WITHIN THE UNINCORPORATED AREAS THEREOF, FROM REGULATING SMOKING, AND SUCH COUNTY, TOWN, CITY, OR COUNTY AND COUNTY IS HEREBY EXPRESSLY AUTHORIZED TO ADOPT ORDINANCES EMBODYING SUCH REGULATIONS, WHERE SUCH REGULATIONS ARE ADOPTED ON THE LOCAL LEVEL AS AUTHORIZED IN THIS SECTION. THE LOCAL REGULATIONS SHALL CONTROL TO THE EXTENT OF ANY INCONSISTENCY BETWEEN THEM AND THIS ARTICLE.

SECTION 8, 2-2-404 (1.5), Colorado Revised Statutes, is RECREATED AND REENACTED, to read:

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1-2-404. Legislative rules. (1.5) SMOKING IN THE STATE CAPITOL AND OTHER LEGISLATIVE BUILDINGS SHALL BE GOVERNED BY SECTION 25-14-103.7, C.R.S.; EXCEPT THAT THE SENATE AND THE HOUSE OF REPRESENTATIVES EACH HAS THE EXCLUSIVE AUTHORITY TO ADOPT RULES OR JOINT RULES, OR BOTH, GOVERNING THE CONTROL OR LIMITATION OF SMOKING IN THEIR RESPECTIVE CHAMBERS, ANTECHAMBERS, COMMITTEE ROOMS, AND OFFICE SPACE ASSIGNED TO AND OCCUPIED BY LEGISLATORS.

SECTION 9. Effective date - applicability. This act shall take effect January 1, 2007, and shall apply to acts occurring on or after said date.