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**BALLOT PROPOSAL FOR THE STATEWIDE GENERAL ELECTION
NOVEMBER 7, 2006**

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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 Repeal Part 2 of article 14, of title 25, Colorado Revised Statutes, is repealed as follows: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 declares that it is in the best interest of the people of this state to protect nonresidents from involuntary exposure to environmental tobacco smoke in most indoor areas open to the public's patronage or service establishments.

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SECRETARY OF STATE
W. J. G. [Signature]

Summary of Comments on TO: Kirk Mlinek,
Director

Page: 1

Author: Mlinek
Subject: Mlinek
Date: 4/24/2006 2:46:29 PM
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Author: Mlinek
Subject: Mlinek
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All uppercase repeated low to now lowercase, with title type. Sections 1-9 have been compressed to one section, Section 1.

*Answered Text
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and places of employment. The general assembly further finds and determines that a balance should be struck between the health concerns of these consumers of tobacco products and the need to maintain unrestricted governmental activities and regulation of private systems of conduct and action with respect to the use or misuse of tobacco products in certain designated public areas and in private places. Therefore, the general assembly hereby declares that the purpose of this part 2 is to preserve and improve the health, safety and environment of the people of this state by limiting exposure to tobacco smoke.

25-14.203. Definitions. As used in this part 2, unless the context otherwise requires:

- (1) "Report smoking occurrence" means a report received or filed in a public report with regulatory agencies or state health and environmental agencies filed in which the consumer smoking is alleged to be fully smoked and independently verified cases by the owner of the occurrence.
- (2) "Manufacturer" means the part of a public building where an occurrence occurs or a performance with which any occurrence is related or related to.
- (3) "Business" means any business that is operated and licensed under article 7 of title 12, part 2, primarily for the sale and purchase of tobacco for or private consumption and where the source of food is secondary to the consumption of such beverages.
- (4) "Significant" means a decrease in the number of cigarettes smoked per person of at least five percent or more of the total annual gross income or fifty thousand dollars in annual sales for the sale of tobacco products and the number of or the number of cigarettes smoked per person in any calendar year after December 31, 2005, or has that fact to generate at least five percent of the total annual gross income or fifty thousand dollars in annual sales from the sale of tobacco products and the number of or the number of cigarettes smoked per person.
- (5) (a) "Employee" means any person who:
 - (i) performs any type of work for benefit of another in the business of direct or indirect wages or profit or
 - (ii) provides services or services to a business or enterprise solely.
- (6) "Employer" means every person described in paragraph (5) of this subsection (5) regardless of whether such person is

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(14) "Public hearing" means any meeting open to the public pursuant to part 4 of article 6 of the 21st or any other law of this state.

(15) "Public hearing" means any meeting open to the public pursuant to part 4 of article 6 of the 21st or any other law of this state.

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(18) "Public hearing" means any meeting open to the public pursuant to part 4 of article 6 of the 21st or any other law of this state.

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

- (a) Public meeting place;
- (b) elevator;
- (c) government-owned or operated transit or mass transportation facilities but not limited to buses, vans, and trolleys;
- (d) bars and lounges;
- (e) grocery stores;
- (f) gymnasiums;
- (g) jury waiting and deliberation rooms;
- (h) courtyards;

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- (j) child day care facilities;
- (k) health care facilities including hospitals, health care clinics, day care centers, and other health care facilities;
- (l) any place of employment that is not exempted;
- (m) in the case of employees who are health care workers assigned from this part 2, such employees shall provide a written certification to their employer that they have a right to receive an area free of environmental tobacco smoke.
- (n) food service establishments;
- (o) bars;
- (p) indoor gaming facilities and any other facilities in which any gaming activity is conducted;
- (q) indoor arenas;
- (r) restaurants, taverns, and other establishments in public and private buildings, and other establishments including:
- (1) theaters, clubs, and other entertainment venues;
- (2) places of public assembly;
- (3) places of public accommodation;
- (4) places of public entertainment;
- (5) places of public gathering;
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25-14-205. Exceptions to smoking restrictions. (1) This part 2 shall not apply

- (a) persons having permits, licenses or other privileges
- (b) persons who are engaged in the sale of food or other articles of merchandise
- (c) persons who are engaged in the sale of food or other articles of merchandise
- (d) persons who are engaged in the sale of food or other articles of merchandise
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- (x) persons who are engaged in the sale of food or other articles of merchandise
- (y) persons who are engaged in the sale of food or other articles of merchandise
- (z) persons who are engaged in the sale of food or other articles of merchandise

25-14-206. Openness provisions. (1) The owner or manager of any place or premises shall, upon request, permit any person to inspect and copy any records or documents maintained by the owner or manager of such place or premises, including but not limited to, records or documents relating to the following:

- (a) the name of the person or persons who are engaged in the sale of food or other articles of merchandise
- (b) the name of the person or persons who are engaged in the sale of food or other articles of merchandise
- (c) the name of the person or persons who are engaged in the sale of food or other articles of merchandise
- (d) the name of the person or persons who are engaged in the sale of food or other articles of merchandise
- (e) the name of the person or persons who are engaged in the sale of food or other articles of merchandise
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- (p) the name of the person or persons who are engaged in the sale of food or other articles of merchandise
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25-14-207. Other applicable regulations of smoking - local government regulations authorized. (1) This part 2 shall not be applicable to any other applicable law.

(2) (a) A local government may, pursuant to section 16-6-210,

Application should be submitted to the...
of this...
provision of...
is hereby...

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 WED 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:

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Author: N/A
Subject: N/A
Date: 4/24/2006 2:48:20 PM
SECTIONS 2, 3 RECREATED AND REENACTED, WITH AMENDMENTS, to read.

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Subject: N/A
Date: 4/24/2006 2:48:44 PM
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Author: N/A
Subject: N/A
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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 1 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;
- (d) 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.

(e) 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, to 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 DESIGNEE:
 - (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

Page: 10

Author: Me
 Subject: None
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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, ANTECHAMBERS, 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 RECREATED AND REENACTED, to read:

25-14-104. ~~Optional prohibition.~~ THE OWNER OR MANAGER OF A PUBLIC PLACE OTHER THAN ONE SPECIFICALLY PROVIDED IN SECTION 25-14-103 (1) MAY POST, AT HIS DISCRETION, SIGNS PROHIBITING SMOKING OR PROVIDING SMOKING AND NONSMOKING AREAS. SUCH POSTING SHALL HAVE THE EFFECT OF INCLUDING SUCH PUBLIC PLACE IN THE PUBLIC PLACES WHERE SMOKING IS PROHIBITED OR RESTRICTED PURSUANT TO SECTION 25-14-103 (1).

SECTION 7. 25-14-105, Colorado Revised Statutes, is RECREATED AND REENACTED WITH AMENDMENTS, to read:

25-14-105. ~~Local regulations.~~ THIS ARTICLE SHALL PREVENT ANY TOWN, CITY, OR COUNTY, OR ANY COUNTY WITHIN THE UNINCORPORATED AREAS THEREOF, FROM REGULATING SMOKING. ANY CURRENT LAWS THAT ARE IN EFFECT WITHIN SUCH SAID TOWNS, CITIES, COUNTYS, AND UNINCORPORATED COUNTYS ARE HENCEFORTH REQUIRED TO CHANGE THEIR LAWS ACCORDINGLY.

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

2-2-404. ~~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

Author: Me
Subject: Rule
Date: 4/24/2006 2:49:35 PM
Revisions removed from beginning of the section and added "RECREATED AND REENACTED, to read:"
Revisions removed from local regulations in text to supersede State Authority.

Author: Me
Subject: Rule
Date: 4/24/2006 2:50:31 PM
Revisions removed from beginning of the section and added "RECREATED AND REENACTED, WITH AMENDMENTS, to read:"
Revisions removed from beginning of the section and added "RECREATED AND REENACTED, WITH AMENDMENTS, to read:"

Author: Me
Subject: Rule
Date: 4/24/2006 2:50:59 PM
Revisions removed from beginning of the section and added "RECREATED AND REENACTED, WITH AMENDMENTS, to read:"

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.

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