

2015 -- H 5224 AS AMENDED

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO HEALTH AND SAFETY -- PUBLIC HEALTH AND WORKPLACE SAFETY  
ACT

Introduced By: Representatives Tanzi, Handy, Lombardi, Fogarty, and Maldonado

Date Introduced: January 29, 2015

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-20.10-2 of the General Laws in Chapter 23-20.10 entitled  
2 "Public Health and Workplace Safety Act" is hereby amended to read as follows:

3 **23-20.10-2. Definitions.** -- The following words and phrases, whenever used in this  
4 chapter, shall be construed as defined in this section:

5 (1) "Assisted living residence" means a residence that provides personal assistance, and  
6 meals to adults in accordance with chapter 17.4 of this title.

7 (2) "Bar" means an establishment that is devoted to the serving of alcoholic beverages  
8 for consumption by guests on the premises and in which the serving of food is only incidental to  
9 the consumption of those beverages, including, but not limited to, taverns, nightclubs, cocktail  
10 lounges and cabarets.

11 (3) "Business" means a sole proprietorship, partnership, joint venture, corporation, or  
12 other business entity formed for profit-making purposes, including retail establishments where  
13 goods or services are sold as well as professional corporations and other entities where legal,  
14 medial, dental, engineering, architectural or other professional services are delivered.

15 (4) "Employee" means a person who is employed by an employer in consideration for  
16 direct or indirect monetary wages or profit, and a person who volunteers his or her services for a  
17 nonprofit entity.

18 (5) "Employer" means a person, business, partnership, association, corporation,

1 including a municipal corporation, trust or nonprofit entity that employs the services of one or  
2 more individual persons.

3 (6) "Enclosed area" means all space between a floor and ceiling that is enclosed on all  
4 sides by solid walls or windows (exclusive of doorways), which extend from the floor to the  
5 ceiling.

6 (7) "Health care facility" means an office or institution providing care or treatment of  
7 diseases, whether physical, mental, emotional, or other medical, physiological or psychological  
8 conditions, including, but not limited to, hospitals, rehabilitation hospitals or other clinics,  
9 including weight control clinics, nursing homes, homes for the aging or chronically ill,  
10 laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and  
11 all specialists within these professions. This definition shall include all waiting rooms, hallways,  
12 private rooms, semi-private rooms and wards within health care facilities.

13 (8) "Place of employment" means an area under the control of a public or private  
14 employer that employees normally frequent during the course of employment, including, but not  
15 limited to, work areas, employees lounges, restrooms, conference rooms, meeting rooms,  
16 classrooms, employee cafeterias, and hallways. Vehicles owned by a public or private employer  
17 are covered under this definition provided that the vehicle is used by more than one person. A  
18 private residence is not a "place of employment" unless it is used as a child care, adult day care or  
19 health care facility.

20 (9) "Public place" means an enclosed area to which the public is invited or in which the  
21 public is permitted, including, but not limited to, banks, bars, educational facilities, health care  
22 facilities, laundromats, public transportation facilities, reception areas, restaurants, retail food  
23 production and marketing establishments, retail service establishments, retail stores, shopping  
24 malls, sports arenas, the state house, theaters and waiting rooms. A private residence is not a  
25 "public place" unless it is used as a child care, adult day care or health care facility.

26 (10) "Restaurant" means an eating establishment, including, but not limited to, coffee  
27 shops, cafeterias, and private and public school cafeterias, which gives or offers for sale food to  
28 the public, guests or employees, as well as kitchens and catering facilities in which food is  
29 prepared on the premises for serving elsewhere. The term "restaurant" shall include a bar area  
30 within the restaurant.

31 (11) "Retail tobacco store" means a retail store utilized primarily for the sale of tobacco  
32 products and accessories in which the total annual revenues generated by the sale of other  
33 products are no greater than twenty-five percent (25%) of the total revenue for the establishment.  
34 The division of taxation shall be responsible for the determination under this section and shall

1 promulgate any rules or forms necessary for the implementation of this section.

2 (12) "Service line" means an indoor line in which one or more persons are waiting for or  
3 receiving service of any kind, whether or not the service involves the exchange of money.

4 (13) "Shopping mall" means an enclosed public walkway or hall area that serves to  
5 connect retail or professional establishments.

6 (14) "Smoking" means inhaling, exhaling, burning or carrying any lighted cigar,  
7 cigarette, pipe, weed, plant, or other combustible substance in any manner or in any form;  
8 provided, however, that smoking shall not include burning during a religious ceremony.

9 (15) (a) "Smoking bar" means an establishment whose business is primarily devoted to  
10 the serving of tobacco products for consumption on the premises, in which the annual revenues  
11 generated by tobacco sales are greater than fifty percent (50%) of the total revenue for the  
12 establishment and the serving of food or alcohol is only incidental to the consumption of such  
13 tobacco products. ~~The establishment must annually demonstrate that revenue generated from the~~  
14 ~~serving of tobacco products is greater than the total combined revenue generated by the serving of~~  
15 ~~beverages and food.~~ Effective July 1, 2015, all existing establishments and establishments that  
16 open thereafter must demonstrate quarterly, for a period of one year and annually thereafter, that  
17 the annual revenue generated from the serving of tobacco products is greater than fifty percent  
18 (50%) of the total revenue for the establishment, and the serving of food, alcohol or beverages is  
19 only incidental to the consumption of such tobacco products. Every owner of a smoking bar shall  
20 register no later than January 1 of each year with the division of taxation and shall provide, at a  
21 minimum, the owner's name and address and the name and address of the smoking bar. The  
22 division of taxation in the department of administration shall be responsible for the determination  
23 under this section and shall promulgate any rules or forms necessary for the implementation of  
24 this section.

25 (b) Smoking bars shall only allow consumption of food and beverages sold by the  
26 establishment on the premises and the establishment shall have public access only from the street.

27 (c) Any smoking bar as defined herein, is required to provide a proper ventilation system  
28 which will prevent the migration of smoke into the street.

29 (16) "Sports arena" means sports pavilions, stadiums, (indoor or outdoor) organized  
30 sports fields, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks,  
31 bowling alleys and other similar places where members of the general public assemble to engage  
32 in physical exercise, participate in athletic competition or witness sports or other events.

33 (17) "Legislature" means the general assembly of the state of Rhode Island.

34 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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RELATING TO HEALTH AND SAFETY -- PUBLIC HEALTH AND WORKPLACE SAFETY  
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1           This act would require smoking bar owners to demonstrate on a quarterly rather than  
2 annual basis that the revenue generated from serving tobacco products exceeds the total combined  
3 revenue generated from the sale of food and beverages. The act would also provide that the owner  
4 register his or her name and address and the name and address of the smoking bar with the  
5 division of taxation.

6           This act would take effect upon passage.

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