SENATE BILL 351

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Shannon Robinson

AN ACT

RELATING TO PUBLIC HEALTH; ENACTING THE SMOKING ACCOMMODATIONS
ACT; PROVIDING A PREEMPTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.--This act may be cited as the
"Smoking Accommodations Act".

Section 2. PURPOSE.--The purpose of the Smoking
Accommodations Act is to prohibit smoking in designated areas
and provide retail businesses with the option of providing
designated smoke-free and smoking-permitted areas on the
business premises or permitting smoking anywhere on the
business premises.

Section 3. DEFINITION.--As used in the Smoking
Accommodations Act, "smoking" means the act of inhaling the
smoke from or possessing a lighted cigarette, cigar, pipe or

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1 any other form of tobacco or similar substance used for

2 smoking.

3   Section 4.   RETAIL BUSINESS--SMOKING REGULATION.--In all

4 enclosed areas of retail businesses during the hours in which

5 the public is invited or permitted access, smoking is

6 prohibited unless the owner, manager or operator of the

7 business designates all or a portion of those areas of the

8 business as designated smoking-permitted areas.

9   Section 5.   PREEMPTION.--No agency of the state or

10 governing body or agency of a municipality or county shall

11 adopt policies, rules or ordinances that are more stringent

12 than or fail to comply with the provisions of the Smoking

13 Accommodations Act.   The provisions of the Smoking

14 Accommodations Act shall not apply to or affect any municipal

15 or county ordinances in effect prior to July 1, 1999.

16   Section 6.   SEVERABILITY.--If any part or application of

17 the Smoking Accommodations Act is held invalid, the remainder

18 or its application to other situations or persons shall not be

19 affected.

20   Section 7.   EFFECTIVE DATE.--The effective date of the

21 provisions of this act is July 1, 1999.

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