

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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SENATOR THOMPSON: ...on your time, and kind of...

SENATOR HARTNETT: Take all the time you want. (Laugh)

SENATOR THOMPSON: ...tell you what's going on here. A proprietor has to make, under the current law, a reasonable effort to make sure that the act is enforced. So if someone comes in and smokes and they...in an area that is a nonsmoking area, it would be their obligation, under current law,...

SENATOR HARTNETT: To move them?

SENATOR THOMPSON: ...to ask them to cease from smoking in a nonsmoking area. They're also supposed to comply with other aspects of the act. For example, they can designate smoking areas in their establishments, but the areas are not to exceed 50 percent of the space used by the public. It requires physical barriers and proper ventilation in designated smoking areas. That has been the law for...all the way through.

SENATOR HARTNETT: As I...as proprietor of a restaurant or something, I don't have to have to have a smoking area right now? Do I have to have a smoking area?

SENATOR THOMPSON: No. That...

SENATOR HARTNETT: I have a choice, as a...

SENATOR THOMPSON: Right.

SENATOR HARTNETT: ...as a proprietor of a business.

SENATOR THOMPSON: Exactly. The issue is that the way the law is written, if there is an establishment that's basically thumbing their nose at state law, the only thing that can be done under the law is to the individual smoker. So this has been largely an act that's been enforced because most people comply with the law. It is the law. It's just a question of how you enforce it. And so what happens is, you've got your small percentage of places that may choose not to comply. And