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An Act To Prohibit Smoking in Private Clubs Except in Separate Enclosed Areas

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §1542, sub-§1, as amended by PL 2009, c. 140, §1, is further amended to read:

1. Prohibition. Smoking is prohibited in all enclosed areas of public places, outdoor eating areas as provided in section 1550, clubs as provided in section 1580-A, subsection 10 and all rest rooms made available to the public. In the case of a child care facility that is not home-based, smoking is also prohibited in a facility-designated motor vehicle within 12 hours before transporting a child who is in the care of the child care facility, and whenever such a child is present in the vehicle. Smoking is also prohibited in outdoor areas of the facility where children may be present.

Sec. 2. 22 MRSA §1580-A, sub-§2, ¶C-2, as enacted by PL 2005, c. 581, §1, is repealed.

Sec. 3. 22 MRSA §1580-A, sub-§9, as amended by PL 2005, c. 683, Pt. G, §2 and affected by §3, is repealed.

Sec. 4. 22 MRSA §1580-A, sub-§10 is enacted to read:

10. Smoking in club's business facility. Smoking is prohibited in a club's business facility except as provided in this subsection.

A. A club may allow smoking in an outdoor designated smoking area.

B. A club may allow smoking in an enclosed designated smoking area only if:

(1) No sales or services are provided, and no club events occur in the enclosed designated smoking area;

(2) No employees work in or are required to pass through the enclosed designated smoking area;

(3) Members of the club, except for those who choose to be present in the enclosed designated smoking area, are not required to use or pass through the enclosed designated smoking area for any purpose;

(4) No one under 18 years of age is permitted in the enclosed designated smoking area; and

(5) The enclosed designated smoking area does not comprise more than 20% of the total square footage open to members of the club.

For purposes of this paragraph, "enclosed designated smoking area" means an indoor enclosed area designated as a place for smoking, separated from the other areas of the club by walls and designed to prevent smoke escaping from the designated area into the other areas of the club.

SUMMARY

Current law allows smoking in private clubs, such as those operated by fraternal orders or veterans' organizations, under certain conditions, such as when approved by a vote of the members of the club. This bill prohibits smoking in private clubs except in designated outdoor smoking areas and enclosed indoor areas designed to prevent the escape of smoke into the rest of the club.