

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 7-100

"District of Columbia Smoking Restriction Act  
of 1979 Amendment Act of 1987".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 7-218 on first and second readings, January 5, 1988, and January 19, 1988, respectively. Following the signature of the Mayor on February 11, 1988, this legislation was assigned Act 7-144, published in the February 26, 1988, edition of the D.C. Register, (Vol. 35 page 1182) and transmitted to Congress on February 16, 1988 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 7-100, effective March 29, 1988.



DAVID A. CLARKE  
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

February 16,17,18,19,22,23,24,25,26,29

March 1,2,3,4,7,8,9,10,11,14,15,16,17,18,21,22,23,24,25,  
28

EFFECTIVE MAR 29 1988

AN ACT

D.C. ACT 7 - 144

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEB 11 1988

To amend the District of Columbia Smoking Restriction Act of 1979 to require the designation of nonsmoking sections in certain restaurants and to eliminate the smoking consent provision in public vehicles and private passenger vehicles for hire.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Smoking Restriction Act of 1979 Amendment Act of 1987".

Sec. 2. The District of Columbia Smoking Restriction Act of 1979, effective September 28, 1979 (D.C. Law 3-22; D.C. Code, sec. 6-911 et seq.), is amended as follows:

(a) Section 2(b) (D.C. Code, sec. 6-911(b)) is amended to read as follows:

D.C. Code  
sec. 6-911  
(1988 sup)

"(b) The purpose of this act is to protect the public health, comfort, and environment by prohibiting smoking in certain facilities, vehicles, and restaurants open to or used by the general public."

(b) Section 3 (D.C. Code, sec. 6-912) is amended as follows:

D.C. Code  
sec. 6-912  
(1988 sup)

(1) Subsection (a) (D.C. Code, sec. 6-912(1)) is amended as follows:

(A) By inserting the phrase "as a library or" after the word "primarily"; and

(B) By striking the phrase "but excluding institutions of higher education" and inserting the phrase "except smoking lounges or specific smoking areas approved by the principal or president of the school, college, or university pursuant to guidelines established by the Board of Education, in the case of a public school, or by the trustees or other governing body, in the case of a college, university, or private educational institution" in its place.

(2) Subsection (d) (D.C. Code, sec. 6-912(4)) is amended by inserting the phrase ", including a government

agency to which the health and safety laws of the District of Columbia may be applied" after the word "kind".

(3) Subsection (e) (D.C. Code, sec. 6-912(5)) is amended to read as follows:

"(e) Restaurant" means a restaurant as defined in section 3(n) of the District of Columbia Alcoholic Beverage Control Act, approved January 24, 1987 (48 Stat. 319; D.C. Code, sec. 25-103(n)), and any other establishments licensed by the District of Columbia in the business of preparing or serving food to the public. The term "restaurant" shall include coffee shops, cafeterias, luncheonettes, eateries, and soda fountains. The term "restaurant" shall not include sidewalks, terraces, or space used by restaurants to provide outdoor facilities, nightclubs, or taverns."

(4) Subsection (g) (D.C. Code, sec. 6-912(7)) is amended by adding the phrase "having in one's possession," after the word "puffing,".

(c) Section 4 (D.C. Code, sec. 6-913) is amended as follows:

D.C. Code  
sec. 6-91  
(1988 sup

(1) Subsection (d) (D.C. Code, sec. 6-913(4)) is amended to read as follows:

"(d) Any educational facility except as provided in section 3(a)."

(2) Subsection (e) (D.C. Code, sec. 6-913(5)) is amended by striking the phrase ", without prior consent of all occupants of the vehicles" and inserting the phrase ", except that smoking with the prior consent of all occupants of the vehicle shall be permitted when the vehicle is a limousine" in its place.

(3) By adding a new subsection (g) to read as follows:

"(g) Any restaurant except as permitted in section 4a."

(d) A new section 4a is added to read as follows:  
"Sec. 4a. Designated nonsmoking areas in restaurants; new construction and major renovation to existing restaurants; smoking areas.

New,  
D.C. Code  
sec. 6-91  
(1988 su

"(a) Except as provided in subsection (b) of this section, the owner, manager, or person in charge of any restaurant having a seating capacity of 50 or more shall designate at least 25% of the total seating capacity as a nonsmoking area. Bar and lounge seating in the restaurant is excluded from this total seating capacity calculation. Smoking shall be prohibited in these nonsmoking areas even if, after a certain hour, food is no longer served.

"(b) Any new construction for the purpose of establishing a restaurant or major renovation, performed on or after the effective date of the District of Columbia Smoking Restriction Act of 1979 Amendment Act of 1987, to an

existing restaurant, which has a seating capacity of 50 or more, shall contain a nonsmoking area that is at least 50% of the total seating capacity. Bar and lounge seating in the restaurant is excluded from this total seating capacity calculation. Smoking shall be prohibited in these nonsmoking areas even if, after a certain hour, food is no longer served. In accordance with section 6(c), the Mayor shall define the term "major renovation".

"(c)(1) In areas where smoking is permitted pursuant to any provision of this act, physical barriers or separate rooms may be used to the greatest extent possible to minimize the smoke in adjacent nonsmoking areas. Ventilation shall be in compliance with the District of Columbia laws and rules governing indoor ventilation.

"(2) No area shall be designated as a smoking area where smoking is prohibited by the fire marshall or by other District of Columbia laws or rules.

"(3) Smoking areas shall comply with all laws and rules of the District of Columbia."

(e) Section 5 (D.C. Code, sec. 6-914) is amended to read as follows:

"Sec. 5. "No Smoking" signs.

"(a) In every place, elevator, or vehicle in which smoking is prohibited by any provision of this act, the owner, manager, or person in charge of the place, elevator, or vehicle shall post or cause to be posted signs that read, "No Smoking Under Penalty of Law" or "No Smoking Except in Smoking Areas" and that clearly state the maximum fine to which a violator shall be subject. Signs shall be posted so as to be visible to the public at the entrance to the area and also on the interior of the area in sufficient number so as to give notice to the public of the law.

"(b) All signs posted pursuant to subsection (a) of this section shall be not less than 5 inches in height and shall be printed with capital letters not less than 1 and 1/2 inches in height.

"(c) It shall be unlawful for any person to obscure, remove, deface, mutilate, or destroy any sign posted in accordance with the provisions of this act."

(f) Section 6 (D.C. Code, sec. 6-915) is amended as follows:

(1) Subsection (a)(1) (D.C. Code, sec. 6-915(a)(1)) is amended by inserting the phrase "and maintain" after the word "post".

(2) Subsection (a)(2) (D.C. Code, sec. 6-915(a)(2)) is amended by inserting the word "observed" after the word "persons".

(g) Section 7 (D.C. Code, sec. 6-916) is amended as follows:

D.C. Code  
sec. 6-91  
(1988 sup

D.C. Code  
sec. 6-91  
(1988 sup

D.C. Code  
sec. 6-91  
(1988 sup

(1) Subsection (a)(1) (D.C. Code, sec. 6-916 (a)(1)) is amended by inserting the phrase "or defacing or removing a no smoking sign" after the word "area".

(2) Subsection (a)(2) (D.C. Code, sec. 6-916(a)(3)) is amended as follows:

(A) By inserting the phrase "or to maintain" after the word "posted"; and

(B) By inserting the phrase "and by failing to warn a smoker observed to be smoking in violation of this act to stop smoking" after the word "signs".

(h) Section 10 is redesignated as section 13 and a new section 10 is added to read as follows:

"Sec. 10. Exceptions.

"This act shall not prohibit smoking in the following areas:

"(1) An area where smoking is permitted by any provision of this act;

"(2) A tobacco shop or store primarily concerned with selling tobacco and smoking equipment;

"(3) Upon the stage by performers during the course of any theatrical performance if smoking is part of the theatrical production;

"(4) A nightclub or tavern as defined in sections (g) and (w) of the District of Columbia Alcoholic Beverage Control Act, approved January 24, 1934 (48 Stat. 319; D.C. Code, secs. 25-103(17) & (23)), respectively; or

"(5) A room or hall that is used for private social functions, which includes weddings, banquets, and parties."

(i) A new section 11 is added to read as follows:

"Sec. 11. Tobacco smoking education and smoking cessation programs.

"The Mayor shall establish, in conjunction with the District of Columbia Commissioner of Public Health or any other agencies or departments of the District, a program to educate the general public on the issue of smoking and involuntary smoking, the health risks involved, and the requirements of this act, explaining what the act does and why it is important. The Mayor shall establish a smoking cessation program that provides free counseling, information, and whatever other assistance is deemed necessary by the District of Columbia Commissioner of Public Health for the purpose of assisting, upon request, persons residing in the District of Columbia to stop smoking tobacco products."

(j) A new section 12 is added to read as follows:

"Sec. 12. Smoking prohibitions pursuant to existing law.

"Nothing in this act shall make lawful smoking in any place in which smoking is prohibited pursuant to the

New,  
D.C. Code  
sec. 6-91  
(1988 sup

New,  
D.C. Code  
sec. 6-91  
(1988 sup

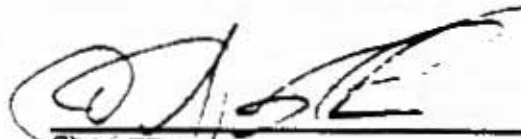
New,  
D.C. Code  
sec. 6-92  
(1988 sup



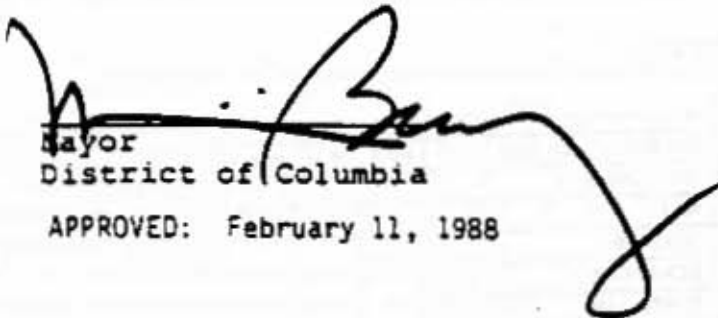
Construction Code Approval and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Code, sec. 5-1301 et seq.), section 2(b) of an Act to Regulate Public Conduct on Public Passenger Vehicles, effective September 23, 1975 (D.C. Law 1-18; D.C. Code, sec. 44-223(b)), or any other District of Columbia or federal law."

Sec. 3. Effective date.

This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in Section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-233(c)(1)).



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED: February 11, 1988



COUNCIL OF THE DISTRICT OF COLUMBIA  
Council Period Seven

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO B7-218

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 1-5-88

VOICE VOTE: Approved

Recorded vote on request

Absent: all present

ROLL CALL VOTE: — RESULT

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					NATHANSON					THOMAS SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

X — Indicates Vote      A.B. — Absent      N.V. — Present, not voting

CERTIFICATION RECORD

Secretary to the Council

1-26-88  
Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 1-19-88

VOICE VOTE: Approved, Member Ray vote no, Members Mason and Wilson voted present

Recorded vote on request

Absent: Jarvis

ROLL CALL VOTE: — RESULT

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					NATHANSON					THOMAS, SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

X — Indicates Vote      A.B. — Absent      N.V. — Present, not voting

CERTIFICATION RECORD

Secretary to the Council

1-26-88  
Date

Item on Consent Calendar

ACTION & DATE:

VOICE VOTE:

Recorded vote on request

Absent:

ROLL CALL VOTE: — RESULT

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					NATHANSON					THOMAS, SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

X — Indicates Vote      A.B. — Absent      N.V. — Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date