



H.B. 316

127th General Assembly
(As Introduced)

Reps. Seitz, Blessing, Yuko, Fessler, Huffman, Bupp, Schneider, Adams

BILL SUMMARY

- Allows smoking in cigar bars and in outdoor areas of restaurants that are at least 20 feet away from an entrance, exit, or window of the restaurant.

CONTENT AND OPERATION

Prohibition of current law against smoking in public places and places of employment

Current law generally prohibits a proprietor of a public place or place of employment¹ from permitting smoking in (1) the public place or place of employment or (2) in areas directly or indirectly under the control of the proprietor that are immediately adjacent to locations of ingress or egress to the public place or place of employment (R.C. 3794.02(A), not in the bill). Existing law provides several exceptions to this general prohibition.

Exception for a cigar bar

The bill adds another exception for a "cigar bar." (R.C. 3749.03(F).) The bill defines "cigar bar" to mean a walk-in humidor that consists of a minimum volume of 300 cubic feet and that has HEPA-designed air filtration systems, carbon filtration, carbon dioxide filtration, smoke eaters, and ozone machines. "HEPA" means the designation given to a product, device, or system that has been equipped with a high-efficiency particulate air filter capable of removing particles

¹ "Public place" means an enclosed area to which the public is invited or in which the public is permitted and that is not a private residence. "Place of employment" means an enclosed area under the direct or indirect control of an employer that the employer's employees use for work or any other purpose, including, but not limited to, offices, meeting rooms, sales, production, and storage areas, restrooms, stairways, hallways, warehouses, garages, and vehicles (R.C. 3794.01(B) and (C)).

of 0.3 microns or larger from air at 99.97% or greater efficiency. (R.C. 3794.01(I).)

Exception for an outdoor seating area

Current law provides an exception for outdoor patios, which are defined to mean an area that is either (1) enclosed by a roof or other overhead covering and walls or side coverings on not more than two sides or (2) has no roof or other overhead covering regardless of the number of walls or other side coverings (R.C. 3794.01(I)). All outdoor patios must be physically separated from an enclosed area. If windows or doors form any part of the partition between an enclosed area and the outdoor patio, the openings must be closed to prevent the migration of smoke into the enclosed area. If windows or doors do not prevent the migration of smoke from the enclosed area, the outdoor area must be considered an extension of the enclosed area and subject to the applicable smoking restrictions. (R.C. 3794.03(F).)

The bill replaces the provisions described in the immediately preceding paragraph with an exception for any outdoor seating area of a restaurant that is located at least 20 feet away from the main entrance, an exit, or any operable window of the building in which the restaurant is located (R.C. 3794.03(G)).

HISTORY

ACTION	DATE
Introduced	09-18-07

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