

# HOUSE BILL No. 1312

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-18-2; IC 16-41-37.

**Synopsis:** Smoking ban in park recreation areas. Prohibits smoking in certain recreational locations in a public park owned or operated by a governmental unit. Provides penalties for smoking in a prohibited area. Requires the person in charge of the area to post signs, request persons who are smoking to refrain from smoking, and remove violators who fail to refrain from smoking.

**Effective:** July 1, 2009.

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### Day, Neese, Cheatham

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January 16, 2009, read first time and referred to Committee on Public Policy.

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First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

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## HOUSE BILL No. 1312



A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 16-18-2-312.5 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS [JULY 1,  
3 2009]: **Sec. 312.5. "Recreation area", for purposes of IC 16-41-37,**  
4 **has the meaning set forth in IC 16-41-37-1.5.**

5 SECTION 2. IC 16-41-37-1.5 IS ADDED TO THE INDIANA  
6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
7 [EFFECTIVE JULY 1, 2009]: **Sec. 1.5. As used in this chapter,**  
8 **"recreation area" means any of the following areas or facilities**  
9 **that are located within a public park owned or operated by the**  
10 **state, a county, a city, a town, a township, or another governmental**  
11 **unit:**

- 12 (1) **Playgrounds, including any area that has been designated**  
13 **or landscaped for a play space.**
- 14 (2) **Sports and athletic areas, including areas where sports or**  
15 **athletic equipment has been installed, an area that has been**  
16 **designated or landscaped for sports or athletic activities,**  
17 **recreation centers, and spectator areas for the sports and**



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- athletic areas.**
- (3) Picnic areas and picnic shelters.**
- (4) Beaches.**

SECTION 3. IC 16-41-37-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. A person who smokes:

- (1) in a public building, except in an area designated as a smoking area under section 5 of this chapter;
- (2) in the retail area of a grocery store or drug store that is designated as a nonsmoking area by the store's proprietor;
- (3) in the dining area of a restaurant that is designated and posted as the restaurant's nonsmoking area by the restaurant's proprietor;
- or**
- (4) in a school bus during a school week or while the school bus is being used for a purpose described in section 2.3(3) of this chapter; **or**

**(5) in a recreation area;**

commits a Class B infraction. However, the violation is a Class A infraction if the person has at least three (3) previous unrelated judgments for violating this section that are accrued within the twelve (12) months immediately preceding the violation.

SECTION 4. IC 16-41-37-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) The official in charge of a public building **or a recreation area** shall do the following:

- (1) **For public buildings**, post conspicuous signs that read "Smoking Is Prohibited By State Law Except In Designated Smoking Areas" or other similar language.
- (2) **For recreation areas**, post conspicuous signs that read "**Smoking Is Prohibited By State Law**".
- ~~(3)~~ (3) Request persons who are smoking in violation of section 4 of this chapter to refrain from smoking.
- ~~(4)~~ (4) Remove a person who is smoking in violation of section 4 of this chapter and fails to refrain from smoking after being requested to do so.

(b) The proprietor of a restaurant shall, under sections 4 and 5 of this chapter, post conspicuous signs at each entrance to the restaurant, informing the public of the establishment's smoking policy.

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