

Adopted Rejected

COMMITTEE REPORT

YES: 9
NO: 3

MR. SPEAKER:

*Your Committee on Public Health, to which was referred House Bill 1149, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, between lines 4 and 5, begin a new paragraph and insert:
- 2 "Sec. 0.5. As used in this chapter, "ashtray" means any
- 3 receptacle that is used for disposing of smoking materials,
- 4 including ash and filters.
- 5 Sec. 1. As used in this chapter, "place of employment" means an
- 6 enclosed area of a structure that is a place of employment. The
- 7 term does not include a private vehicle."
- 8 Page 1, line 5, delete "1." and insert "2."
- 9 Page 1, line 7, delete "2." and insert "3."
- 10 Page 1, line 9, after "lighted" insert "tobacco".
- 11 Page 1, line 10, after "lighted" insert "tobacco".
- 12 Page 1, line 12, delete "3." and insert "4."
- 13 Page 1, line 12, delete "4" and insert "5".
- 14 Page 1, line 15, delete "Enclosed areas of a" and insert "A".
- 15 Page 2, line 3, delete "an enclosed area of".

- 1 Page 2, between lines 13 and 14, begin a new paragraph and insert:
 2 **"(d) An owner, operator, manager, or official in charge of a**
 3 **public place or place of employment shall post conspicuous signs**
 4 **at each public entrance that read "State Law Prohibits Smoking**
 5 **Within 12 Feet of this Entrance" or other similar language."**
 6 Page 2, line 14, delete "4." and insert "5."
 7 Page 2, line 15, delete "11" and insert "12".
 8 Page 2, delete lines 26 through 27.
 9 Page 2, line 28, delete "(4)" and insert "(3)".
 10 Page 2, line 30, delete "(5)" and insert "(4)".
 11 Page 3, line 3, delete "sale of".
 12 Page 3, line 8, delete "(6)" and insert "(5)".
 13 Page 3, between lines 21 and 22, begin a new line double block
 14 indented and insert:
 15 **"(F) The business prohibits entry by an individual who is**
 16 **less than eighteen (18) years of age.**
 17 **(6) A retail tobacco store used primarily for the sale of**
 18 **tobacco products and accessories that, before February 3,**
 19 **2012, meets the following requirements:**
 20 **(A) The store has a valid tobacco sales certificate issued**
 21 **under IC 7.1-3-18.5.**
 22 **(B) The store prohibits entry by an individual who is less**
 23 **than eighteen (18) years of age.**
 24 **(C) The sale of products other than tobacco is merely**
 25 **incidental.**
 26 **(D) The sale of tobacco products accounts for at least**
 27 **eighty-five percent (85%) of the store's annual gross**
 28 **income.**
 29 **(E) Food or beverages are not sold for consumption on the**
 30 **premises, and there is not an area set aside for customers**
 31 **to consume food or beverages on the premises."**
 32 Page 3, line 34, delete "5." and insert "6."
 33 Page 3, line 38, before "and" insert **"(3) a health and hospital**
 34 **corporation established by IC 16-22-8-6;"**
 35 Page 3, line 39, delete "(3)" and insert "(4)".
 36 Page 4, line 5, delete "6." and insert "7."
 37 Page 4, line 6, delete "4" and insert "5".
 38 Page 4, line 13, delete "Remove" and insert **"Cause to be**

- 1 **removed".**
- 2 Page 4, line 19, delete "7." and insert "8."
- 3 Page 4, between lines 27 and 28, begin a new paragraph and insert:
- 4 **"(c) A local health department may enforce this chapter by filing**
- 5 **a civil action under IC 16-20-1-26.**
- 6 **(d) A health and hospital corporation may enforce this chapter**
- 7 **by filing a civil action under IC 16-22-8-31."**
- 8 Page 4, line 28, delete "8." and insert "9."
- 9 Page 4, line 36, delete "9." and insert "10."
- 10 Page 4, line 42, delete "10." and insert "11."
- 11 Page 5, line 30, delete "11." and insert "12."
- 12 Page 5, line 33, delete "12." and insert "13."
- 13 Page 5, line 33, delete "4(b), 6(b)(1), and 6(c)" and insert "**4(d),**
- 14 **5(b), 7(b)(1), and 7(c)".**
- 15 Page 5, delete line 42, begin a new paragraph and insert:
- 16 "SECTION 3. IC 12-24-2-8 IS AMENDED TO READ AS
- 17 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a)
- 18 ~~Notwithstanding IC 12-27-3-3, the superintendent of a state institution~~
- 19 ~~has complete authority to regulate smoking (as defined in~~
- 20 ~~IC 16-41-37-3) within the state institution.~~
- 21 (b) A physician licensed under IC 25-22.5 may prescribe ~~nicotine~~
- 22 **tobacco cessation devices** as is medically necessary for a resident of
- 23 a state institution."
- 24 Page 6, delete lines 1 through 5.
- (Reference is to HB 1149 as introduced.)

and when so amended that said bill do pass.

Representative Brown T