

# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

508I0465

## SENATE BILL NO. 106

Introduced by: Senators Albers, Abdallah, Apa, Earley, Greenfield, Koetzle, Moore, and Napoli and Representatives Sebert, Fryslie, Garnos, Juhnke, Konold, Kroger, Lintz, Pederson (Gordon), Peterson (Jim), and Solum

1 FOR AN ACT ENTITLED, An Act to permit smoking in certain public places and certain places  
2 of employment.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 22-36-3 be amended to read as follows:

5 22-36-3. For the purposes of §§ 22-36-2 to 22-36-4, inclusive, a public place is any enclosed  
6 indoor area to which the public is invited or to which the public is permitted, including any  
7 hospital or medical or dental clinic; any nursing facility; any public library, museum, theater, or  
8 concert hall; any elementary or secondary school building; any public conveyance; any jury room;  
9 any elevator; any reception area; any restaurant; any retail service establishment; any retail store;  
10 and any registered or unregistered day care program, day care center, day care cooperative, or  
11 family day care home governed by chapter 26-6 during the time in which children who are not  
12 family members of the day care provider are receiving care. A private residence is not a public  
13 place unless it is used for day care. The term, public place, does not include any restaurant, any  
14 retail service establishment, or any retail store that is designated by a noticeably visible sign  
15 conspicuously posted at all public entrances stating: "Smoking is permitted in this building.



1 Secondhand smoke may be hazardous to your health."

2 Section 2. That § 22-36-4 be amended to read as follows:

3 22-36-4. For the purposes of §§ 22-36-2 to 22-36-4, inclusive, a place of employment is any  
4 enclosed indoor area under the control of a public or private employer, including work areas,  
5 employee lounges and restrooms, conference and class rooms, employee cafeterias, and hallways.

6 A private residence is not a place of employment unless it is used for day care. The term, place  
7 of employment, does not include any room in which the public is not permitted or not invited and  
8 that is separately ventilated and designated as an employee smoking area.