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HEALTH AND HUMAN SERVICES

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STATE OF MAINE
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FIRST REGULAR SESSION

COMMITTEE AMENDMENT " " to H.P. 325, L.D. 416, Bill, "An Act To Allow Eating Establishments To Permit Smoking Tobacco in Designated Outdoor Eating Areas"

Amend the bill by striking out everything after the enacting clause and inserting the following:

Sec. 1. 22 MRSA §1541, sub-§1, as amended by PL 2005, c. 257, §1, is further amended to read:

1. Designated smoking area. "Designated smoking area" means an enclosed area or outdoor eating area designated as a place for smoking. A designated area must be designed to prevent smoke escaping from the designated area into a public place.

Sec. 2. 22 MRSA §1541, sub-§2-A is enacted to read:

2-A. Outdoor eating area. "Outdoor eating area" means a patio, deck or other property that is partially enclosed or open to the sky that is permitted for outdoor eating or drinking under the control of an eating establishment, as defined in section 2491, subsection 7, as long as food or drink is served by the eating establishment to the public for consumption on the premises.

Sec. 3. 22 MRSA §1542, sub-§1, as amended by PL 2009, c. 140, §1, is further amended to read:

1. Prohibition. Smoking is prohibited in all enclosed areas of public places, outdoor eating areas as provided in section 1550 and all rest rooms made available to the public. In the case of a child care facility that is not home-based, smoking is also prohibited in a facility-designated motor vehicle within 12 hours before transporting a child who is in the care of the child care facility, and whenever such a child is present in the vehicle. Smoking is also prohibited in outdoor areas of the facility where children may be present.

Sec. 4. 22 MRSA §1542, sub-§2, ¶O is enacted to read:

O. Smoking is not prohibited in an outdoor eating area as provided by section 1550.

COMMITTEE AMENDMENT

1 enforce policies that limit the circumstances in which employees of an eating
2 establishment may enter an outdoor eating area during the times in which smoking is
3 allowed.