

ENROLLMENT(S)



COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 8-262

"Smoking Regulation Amendment Act of 1990".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 8-581 on first and second readings, November 20, 1990, and December 4, 1990, respectively. Following the signature of the Mayor on December 14, 1990, this legislation was assigned Act No. 8-278, published in the December 28, 1990, edition of the D.C. Register, (Vol. 37 page 8434) and transmitted to Congress on January 11, 1991 for a 60-day review, in accordance with Section 602(c)(2) of the Act.

The Council of the District of Columbia hereby gives notice that the 60-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 8-262, effective May 2, 1991.



JOHN A. WILSON
Chairman of the Council

Dates Counted During the 60-day Congressional Review Period:

| | |
|----------|--|
| January | 11,14,15,16,17,18,22,23,24,25,28,29,30,31 |
| February | 1,4,5,6,7,19,20,21,22,25,26,27,28 |
| March | 1,4,5,6,7,8,11,12,13,14,15,18,19,20,21,22 |
| April | 9,10,11,12,15,16,17,18,19,22,23,24,25,26,29,30 |
| May | 1 |

Codification,
District of Columbia Code
(1991 Supplement)

AN ACT

D.C. ACT 8-278

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DEC. 14, 1990

To regulate smoking in the workplace; to prohibit the sale of cigarettes and other tobacco products to persons under the age of 18; to restrict the sale of cigarettes from vending machines; and to prohibit the free distribution of cigarettes on public property or private property open to the public excluding tobacco stores, conventions, and conferences catering to adults.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Smoking Regulation Amendment Act of 1990".

Sec. 2. The District of Columbia Smoking Restriction Act of 1979, effective September 28, 1979 (D.C. Law 3-22; D.C. Code, sec. 6-911 et seq.), is amended as follows:

(a) Section 4 (D.C. Code, sec. 6-913) is amended by adding a new paragraph (h) to read as follows: Section
6-913

"(h) Any public or private workplace, except as provided in section 4b."

(b) A new section 4b (D.C. Code, sec. 6-913.2) is added to read as follows: Section
6-913.2

"Sec. 4b. Regulation of smoking in any District of Columbia workplace.

"(a) Any private or public employer in the District of Columbia ("District") shall, within 3 months of the effective date of the Smoking Regulation Amendment Act of 1990 adopt, implement, and maintain a written smoking policy that contains the following provisions:

"(1) Designation of an area in the workplace where smoking may be permitted. In an area where smoking is permitted, a physical barrier or a separate room shall be used to minimize smoke in any nonsmoking area. Ventilation shall be in compliance with the District laws and rules that govern indoor ventilation.

"(2) Notification to employees orally and in writing by conspicuously posting the employer's smoking policy within 3 weeks after the smoking policy is adopted. Any person in the workplace shall be subject to the posted smoking policy of the employer.

"(b) The designation of a smoking area in the workplace affects employment relations and shall be a subject of collective bargaining in accordance with section 1708(b) of the Merit Personnel Act, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-618.8(b)).

"(c) Nothing in the Smoking Regulation Amendment Act of 1990 shall be construed to prevent the owner or person in charge of a building or any part of a building from prohibiting smoking throughout the building or in any part of the building over which she or he has control."

(c) Section 5(a) (D.C. Code, sec. 6-914(a)) is amended to read as follows: Section
6-914

"(a) In any place, elevator, or vehicle in which smoking is prohibited, the owner, manager, or person in charge of the place, elevator, or vehicle shall post or cause to be posted signs that read, "No Smoking Under Penalty of Law", "No Smoking Except in Smoking Areas", or "Smoking in Accordance With Employer's Smoking Policy Only". In any place, elevator, or vehicle where smoking is restricted, the sign shall include the following warning: "Smoking causes lung cancer, heart disease, emphysema, and may cause fetal injury, premature, and low birth weight in pregnant women. Signs posted shall clearly state the maximum fine for a violation of this act. Signs shall be visible to the public at the entrance to the area and on the interior of the area in sufficient number in a manner that gives notice to the public of the applicable law."

(d) Section 7(a)(1) (D.C. Code, sec. 6-916(a)(1)) is amended by adding the phrase ", or failing to post warning signs as set forth in section 5(a)" after the word "sign". Section
6-916

Sec. 3. An Act to prohibit the sale of tobacco to minors under sixteen years of age in the District of Columbia, approved February 7, 1891 (26 Stat. 736; D.C. Code, sec. 22-1120), is amended to read as follows: Section
22-1120

"(a) No person shall sell, give, or furnish any cigarette or other tobacco product to any person under 18 years of age.

"(b) Any person who sells any cigarette or other tobacco product who has reasonable cause to believe that a person who attempts to purchase the product is under 18 years of age shall require that the purchaser present identification that indicates his or her age.

"(c) Any person who violates subsection (a) or (b) of this section is guilty of a misdemeanor and, upon

conviction, shall be fined not more than \$500 or less than \$100, imprisoned not more than 30 days, or both, for the 1st offense. Any person convicted of a subsequent violation of subsection (a) or (b) of this section shall be fined not more than \$1,000 or less than \$500, imprisoned not more than 90 days, or both.

"(d) Any license to sell cigarettes issued pursuant to section 605 of the District of Columbia Cigarette Tax Act, approved May 27, 1949 (63 Stat. 138; D.C. Code, sec. 47-2404), may be suspended for a 1st or 2nd violation of subsection (a) or (b) of this section. The license shall be revoked for a 3rd or subsequent violation of subsection (a) or (b) of this section.

"(e)(1) In any place or business where a person sells any cigarette or other tobacco product, the owner, manager, or person in charge of the place or business shall post a warning sign that includes the following: "No person under 18 years of age shall purchase any cigarette or other tobacco product. The United States Surgeon General has issued a warning that smoking causes lung cancer, heart disease, emphysema, and may complicate pregnancy.

"(2) A sign posted pursuant to paragraph (1) of this subsection shall clearly state the maximum fine for a violation of this section. The sign shall be visible to the public at the entrance to the area and on the interior of the area in sufficient number to give notice of the law to the public."

Sec. 4. The District of Columbia Cigarette Tax Act, approved May 27, 1949 (63 Stat. 136, D.C. Code, sec. 47-2401 et seq.), is amended as follows:

(a) Section 602 (D.C. Code, sec. 47-2401) is amended by adding:

Section
47-2401

"(j) The term "vending machine" means any automated, self-service device that dispenses cigarettes upon insertion of money, tokens, or any other form of payment."

(b) Section 605 (D.C. Code, sec. 47-2404) is amended as follows:

Section
47-2404

(1) Subsection (b)(3) is amended to read as follows:

"(3) Vending machine operator's licenses restricted.

"(A) No license shall be issued for the sale of cigarettes in an original package from or by means of a vending machine, except in the case of a tavern or nightclub licensed pursuant to section 11(a)(7) of the District of Columbia Alcoholic Beverage Control Act, approved January 24, 1934 (48 Stat. 324; D.C. Code, sec. 25-111(a)(7) ("ABC Act"), an establishment that restricts

admittance to persons 18 years of age or older, or restaurant licensed pursuant to section 11(a)(7) of the ABC Act (D.C. Code, sec. 25-111(a)(7)).

"(B) Any cigarette vending machine that is located in a tavern, nightclub, establishment, or restaurant in accordance with subparagraph (A) of this paragraph shall be located in an area that is in the immediate vicinity, plain view, and control of a responsible employee, so that any tobacco purchase is readily observable by an employee. The cigarette vending machine shall not be located in a similar unmonitored area.

"(C) The annual fee for a vending machine operator's license shall be \$15 for each vending machine.

(2) A new subsection (h) is added to read as follows:

"(h) The Mayor may suspend any license issued under this section to any person convicted of a 1st or 2nd violation of An Act to prohibit the sale of tobacco to minors under 16 years of age in the District of Columbia, approved February 7, 1891 (26 Stat. 736; D.C. Code, sec. 22-1120). The Mayor shall revoke the license for a 3rd or subsequent violation."

Sec. 5. (a) No person, agent, or employee of any person shall, in the course of doing business, distribute any free cigarettes or other tobacco product to any person on any public street, public sidewalk, public park, playground, in a public building, other public property, or private property open to the public, except that free cigarettes or other tobacco products may be distributed at a tobacco store, a convention, or a conference catering to adults.

New, Section
6792102
11/2/91

(b) Any person who violates subsection (a) of this section shall, upon conviction, be fined not less than \$250 for each violation.

Sec. 6. Applicability.


Section 4 shall apply after October 1, 1991, or after the expiration of licenses issued in 1990 for cigarette vending machines, whichever is sooner.

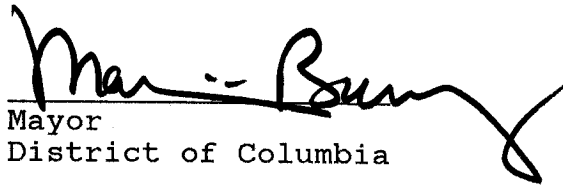
Note, Section
47-2401
47-2404

Sec. 7. This act shall take effect after a 60-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(2) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-233(c)(2)), and publication in either the District of Columbia Register, the District of Columbia

Enrolled Original

Statutes-at-Large, or the District of Columbia Municipal
Regulations.


Chairman
Council of the District of Columbia


Mayor
District of Columbia

APPROVED: December 14, 1990



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Eight

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: B8-581

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 11-20-90

VOICE VOTE: Approved

Recorded vote on request

Absent: all present

ROLL CALL VOTE: — RESULT _____ (/ / / /)

| COUNCIL MEMBER | AYE | NAY | N.V. | A.B. | COUNCIL MEMBER | AYE | NAY | N.V. | A.B. | COUNCIL MEMBER | AYE | NAY | N.V. | A.B. |
|----------------|-----|-----|------|------|----------------|-----|-----|------|------|----------------|-----|-----|------|------|
| CHMN. CLARKE | | | | | MASON | | | | | THOMAS, SR. | | | | |
| CRAWFORD | | | | | NATHANSON | | | | | WILSON | | | | |
| JARVIS | | | | | RAY | | | | | WINTER | | | | |
| KANE | | | | | ROLARK | | | | | | | | | |
| LIGHTFOOT | | | | | SMITH, JR. | | | | | | | | | |

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Russell
 Secretary to the Council

12-19-90
 Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 12-04-90

VOICE VOTE: Approved

Recorded vote on request

Absent: all present

ROLL CALL VOTE: — RESULT _____ (/ / / /)

| COUNCIL MEMBER | AYE | NAY | N.V. | A.B. | COUNCIL MEMBER | AYE | NAY | N.V. | A.B. | COUNCIL MEMBER | AYE | NAY | N.V. | A.B. |
|----------------|-----|-----|------|------|----------------|-----|-----|------|------|----------------|-----|-----|------|------|
| CHMN. CLARKE | | | | | MASON | | | | | THOMAS, SR. | | | | |
| CRAWFORD | | | | | NATHANSON | | | | | WILSON | | | | |
| JARVIS | | | | | RAY | | | | | WINTER | | | | |
| KANE | | | | | ROLARK | | | | | | | | | |
| LIGHTFOOT | | | | | SMITH, JR. | | | | | | | | | |

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Russell
 Secretary to the Council

12-12-90
 Date

Item on Consent Calendar

ACTION & DATE: _____

VOICE VOTE: _____

Recorded vote on request

Absent: _____

ROLL CALL VOTE: — RESULT _____ (/ / / /)

| COUNCIL MEMBER | AYE | NAY | N.V. | A.B. | COUNCIL MEMBER | AYE | NAY | N.V. | A.B. | COUNCIL MEMBER | AYE | NAY | N.V. | A.B. |
|----------------|-----|-----|------|------|----------------|-----|-----|------|------|----------------|-----|-----|------|------|
| CHMN. CLARKE | | | | | MASON | | | | | THOMAS, SR. | | | | |
| CRAWFORD | | | | | NATHANSON | | | | | WILSON | | | | |
| JARVIS | | | | | RAY | | | | | WINTER | | | | |
| KANE | | | | | ROLARK | | | | | | | | | |
| LIGHTFOOT | | | | | SMITH, JR. | | | | | | | | | |

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

 Secretary to the Council

 Date