

SECOND REGULAR SESSION

# HOUSE BILL NO. 1623

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MOLENDORP.

4034L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 191.765, RSMo, and to enact in lieu thereof one new section relating to the definition of a "public place" under the Indoor Clean Air Act.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 191.765, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 191.765, to read as follows:

191.765. As used in sections 191.765 to 191.773 and section 290.145, RSMo, the following terms mean:

(1) "Bar" or "tavern", any licensed establishment which serves liquor on the premises for which not more than ten percent of the gross sales receipts of the business are supplied by food purchases, either for consumption on the premises or elsewhere;

(2) "Other person in charge", the agent of the proprietor authorized to give administrative directions to and general supervision of the activities within the public place, work place or public meeting at any given time;

(3) "Proprietor", the party who ultimately controls, governs or directs the activities within the public place, work place or public meeting, regardless of whether he is the owner or lessor of such place or site. The term does not mean the owner of the property unless he ultimately controls, governs or directs the activities within the public place or public meeting. The term "proprietor" shall apply to a corporation as well as an individual;

(4) "Public meeting", a gathering in person of members of a governmental body, whether an open or closed session, as defined in chapter 610, RSMo;

(5) "Public place", any enclosed indoor area used by the general public or serving as a place of work including, but not limited to:

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 18 (a) Any retail or commercial establishments;
- 19 (b) Health care facilities, health clinics or ambulatory care facilities including, but not  
20 limited to, laboratories associated with health care treatment, hospitals, nursing homes,  
21 physicians' offices and dentists' offices;
- 22 (c) Any vehicle used for public transportation including, but not limited to, buses,  
23 taxicabs and limousines for hire;
- 24 (d) Rest rooms;
- 25 (e) Elevators;
- 26 (f) Libraries, educational facilities, day care facilities, museums, auditoriums and art  
27 galleries;
- 28 (g) All public areas and waiting rooms of public transportation facilities including, but  
29 not limited to, bus and airport facilities;
- 30 (h) Any enclosed indoor place used for entertainment or recreation including, but not  
31 limited to, gymnasiums, theater lobbies, concert halls, arenas and swimming pools;
- 32 (i) Any other enclosed indoor areas used by the general public including, but not limited  
33 to, corridors and shopping malls;
- 34 **(j) Beginning July 1, 2011, any state correctional center and the grounds thereof;**
- 35 (6) "Restaurant", any building, structure or area used, maintained or advertised as or held  
36 out to the public to be an enclosure where meals for consideration of payment are made available  
37 to be consumed on the premises;
- 38 (7) "Smoking", possession of burning tobacco in the form of a cigarette, cigar, pipe or  
39 other smoking equipment.

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