

Regular Session, 2011

SENATE BILL NO. 133

BY SENATOR MARIONNEAUX

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ENVIRONMENTAL CONTROL. Provides relative to the Louisiana Smokefree Air Act. (8/15/11)

1 AN ACT

2 To amend and reenact R.S. 40:1300.256(B)(13), to enact R.S. 40:1300.256(A)(5), and to  
3 repeal R.S. 40:1300.256(B)(5), relative to prohibiting smoking in certain places; to  
4 provide for restrictions; to provide relative to exceptions; and to provide for related  
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1300.256(B)(13) is hereby amended and reenacted and R.S.  
8 40:1300.256(A)(5) is hereby enacted to read as follows:

9 §1300.256. General smoking prohibitions; exemptions

10 A. Except as permitted by Subsection B of this Section, no person shall:

11 \* \* \*

12 **(5) Smoke in any restaurant or bar.**

13 \* \* \*

14 B. Nothing in this Part shall prohibit smoking in any of the following places:

15 \* \* \*

16 (13) An outdoor patio, ~~whether or not~~ **only when** food is **not** served **at any**  
17 **time.**

1 \* \* \*

2 Section 2. R.S. 40:1300.256(B)(5) is hereby repealed in its entirety.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Greg Waddell.

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#### DIGEST

Marionneaux (SB 133)

Present law prohibits smoking in any public building, school, public place, and in any enclosed area within a place of employment.

Proposed law retains present law and also prohibits smoking in any restaurant or bar.

Present law provides for an exception to the prohibition of smoking for an outdoor patio.

Proposed law retains present law but narrows the exception to an outdoor patio when no food is served at any time.

Effective August 15, 2011.

(Amends R.S. 40:1300.256(B)(13); adds R.S. 40:1300.256(A)(5); repeals R.S. 40:1300.256(B)(5))

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill.

1. Prohibits smoking in any restaurant or bar without regard to whether food is served.
2. Replaces the exemption from the general smoking prohibition for certain gaming establishments.
3. Clarifies that the exemption to the general smoking prohibition for outdoor patios only applies when food is not served at any time.