

BILL AS INTRODUCED
1989 (2016B)

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2 Introduced by Senator Illuzzi of Essex-Orleans County
3 Referred to Committee on
4 Date:
5 Subject: Health; labor; smoking in the workplace; majority vote
6 Statement of purpose: This bill proposes that smoking be permitted
7 in workplaces of 4000 square feet or more upon a vote of a majority
8 of the employees in that workplace.

9 AN ACT RELATING TO SMOKING POLICIES DETERMINED BY MAJORITY VOTE

10 It is hereby enacted by the General Assembly of the State of Vermont:
11 Sec. 1. 18 V.S.A. § 1421(2) is amended to read:
12 § 1421. DEFINITIONS
13 As used in this subchapter:
14 * * * *
15 (2) "Workplace" means an enclosed structure where employees
16 perform services for an employer or, in the case of an employer who
17 assigns employees to departments, divisions or similiar
18 organizational units, the enclosed portion of a structure where the

1 unit to which the employee is assigned is located or any floor,
2 department or place in the building defined by the employer provided
3 smoke would not substantially travel from that location to other
4 work locations in the building. Except for schools, workplace does
5 not include areas commonly open to the public nor any portion of a
6 structure which also serves as the employee's or employer's personal
7 residence. For schools, workplace shall include any enclosed
8 location at which instruction or other school-sponsored functions
9 are occurring and students are present.

10 Sec. 2. 18 V.S.A. § 1423(c) is added to read:

11 (c) As an alternative to section 1422 of this title, an employer
12 who operates a workplace of at least 4,000 square feet, which is
13 equipped with an air exchange system, may establish or negotiate a
14 smoking policy which permits smoking in the workplace, provided that
15 a majority of the employees in the workplace agree to the policy.