



Chairman Phil Mendelson

AN AMENDMENT (No. 1)

Bill 20-95, "Smoking Restriction Amendment Act of 2013"
(*Engrossed Original*)
October 1, 2013

Amendment:

- (1) Section 2(a)(5) (Page 2, Lines 3-4) (amending D.C. Code § 7-1702(7)) is amended to read as follows:
 - (5) Paragraph (7) is amended to read as follows:
 - "(7) "Smoking" or "to smoke" means:
 - "(A) The act of puffing, having in one's possession, holding or carrying a lighted or smoldering tobacco product, including through the use of smoking equipment of any kind including a pipe, or cigarette papers or tubes; or
 - "(B) The lighting of a tobacco product, including through the use of smoking equipment of any kind including a pipe, or cigarette papers or tubes."
- (2) Section 2(a)(6) (Page 2, Lines 5-8) (amending D.C. Code § 7-1702(8)) is struck.
- (3) Section 2(b) is amended as follows:
 - (A) Paragraph (1) (Page 2, Lines 10-11) (amending D.C. Code § 7-1703) is struck.
 - (B) Paragraph (2) is amended as follows:
 - (i) Newly inserted paragraph (9) (D.C. Code § 7-1703(9)) is amended by striking the phrase "Within 25 feet of the property line of a playground or public recreational facility" and inserting the phrase "While sitting or standing within 25 feet of the property line of a playground or public recreational facility when another person is present" in its place.

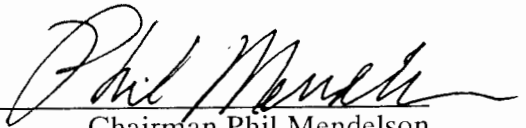
- (ii) Newly inserted paragraph (10) (D.C. Code § 7-1703(10)) is amended by striking the phrase “Within 25 feet of a posted bus stop sign located at any bus stop controlled or maintained by the District of Columbia” and inserting the phrase “While sitting or standing within 25 feet of a posted bus stop sign located at any bus stop controlled or maintained by the District of Columbia when another person is present” in its place.
 - (iii)
- (4) Section 3 (Page 3, Line 9) is amended by striking the phrase “use of tobacco in any form” and inserting the phrase “”smoking of tobacco” in its place.

Rationale:

Amendment No.’s (1) and (2) clarify that the legislation applies to the smoking or lighting of tobacco products, and does not prohibit the use of smokeless tobacco. As amended, the bill continues to prohibit the smoking of any tobacco product that would interfere with the use and enjoyment of the locations addressed in the bill.

Amendment No. (3) adds language to the prohibitions involving public recreation facilities and bus stops that an individual must be standing or sitting within the 25 foot area designated in the bill, as opposed to walking past while in public space. The amendment also adds a requirement that at least one other individual be present.

Amendment No. (4) makes conforming changes to the DCMR to correspond with the above changes.


Chairman Phil Mendelson

AN AMENDMENT (No. 2)

Bill 20-95, "Smoking Restriction Amendment Act of 2013"
(Engrossed Original)
October 1, 2013

Amendment:

A new section 2(d) is inserted to read as follows (Page 3, Lines 6) (amending D.C. Code § 7-1706):

(d) Section 7 (D.C. Official Code § 7-1706) is amended to read as follows:

“Section 7. Civil Penalties.

Any person who violates any provision of this subchapter, other than § 8 of D.C. Law 3-22, by:

“(1) Smoking in a posted “No Smoking” area or defacing or removing a “No Smoking” sign, or failing to post warning signs as set forth in § 7-1704(a) shall be assessed a civil fine of not less than \$ 10 nor more than \$ 50 for the 1st violation; and not less than \$ 50 nor more than \$ 100 for each 2nd or subsequent violation; or

“(2) Obscuring, removing, defacing, mutilating or destroying any sign posted in accordance with the provisions of this subchapter shall be assessed a civil fine of not more than \$ 300; or

“(3) Failing to post or cause to be posted or to maintain “No Smoking” signs and by failing to warn a smoker observed to be smoking in violation of this subchapter to stop smoking, as required by this subchapter, shall be assessed a civil fine of not more than \$ 300. Each and every day that the violation continues shall constitute a separate violation, and the civil penalties provided for in this paragraph shall be applicable to each separate offense; provided, that such civil penalties shall not be levied against any employee or officer of any branch, agency or instrumentality of the District of Columbia government.

Rationale:

The Amendment makes the penalty for violation of the non-smoking provisions in this chapter a civil penalty. Currently, violation of this chapter is a criminal offense. The proposed amendment converts this to a civil fine.

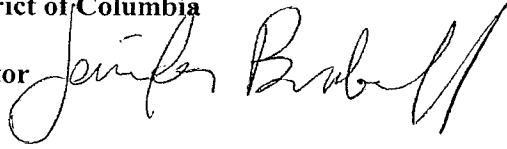
COUNCIL OF THE DISTRICT OF COLUMBIA
Office of the Budget Director



Jennifer Budoff
Budget Director

FISCAL IMPACT STATEMENT

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jennifer Budoff, Budget Director 

DATE: October 1, 2013

SHORT TITLE: B20-95, "Smoking Restriction Amendment Act of 2013"

TYPE: Amendment #1

REQUESTED BY: Chairman Phil Mendelson

Conclusion

This amendment will not have an adverse impact on the District's budget and financial plan because there is no cost associated with the amendment. Implementation of the underlying bill is subject to appropriations.

Background

This amendment clarifies that prohibitions in the legislation would not apply to smokeless tobacco, pedestrians within 25 feet of a recreation facility or bus stop, or smokers within 25 feet of a recreation facility or bus stop when others are not present.

Analysis of Impact on Spending

This amendment will not adversely impact spending.

Analysis of Impact on Revenue

This amendment will not adversely impact revenue.

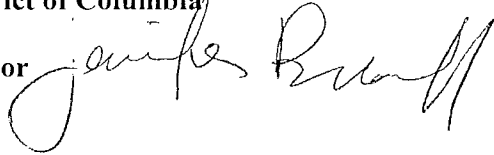
COUNCIL OF THE DISTRICT OF COLUMBIA
Office of the Budget Director



Jennifer Budoff
Budget Director

FISCAL IMPACT STATEMENT

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jennifer Budoff, Budget Director 

DATE: October 1, 2013

SHORT TITLE: B20-95, "Smoking Restriction Amendment Act of 2013"

TYPE: Amendment #2

REQUESTED BY: Chairman Phil Mendelson

Conclusion

This amendment will not have an adverse impact on the District's budget and financial plan because there is no cost associated with the amendment. Implementation of the underlying bill is subject to appropriations.

Background

This amendment will make violation of non-smoking provisions of the legislation a civil, rather than criminal, offense and make violations of the law subject to civil penalties.

Analysis of Impact on Spending

This amendment will not adversely impact spending.

Analysis of Impact on Revenue

This amendment will not adversely impact revenue.