

A BILL

20-95

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To prohibit smoking and the use of tobacco products within playgrounds and public recreational facilities, and to prohibit smoking and the use of tobacco products at bus stops located within the District.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Smoking Restriction Amendment Act of 2013”.

Sec. 2. The District of Columbia Smoking Restriction Act of 1979, effective September 28, 1979 (D.C. Law 3-22; D.C. Official Code 7-1701 *et seq.*), is amended as follows:

(a) Section 3 (D.C. Official Code § 7-1702) is amended follows:

(1) The existing paragraph (1) is redesignated as paragraph (1A).

(2) A new paragraph (1) is added to read as follows:

“(1) “Bus stop” means a location that has been designated by a pole and appropriate signage as a place where passengers board a bus.”.

(3) A new paragraph (4A) is added to read as follows:

“(4A) “Playground” means a public or private facility intended primarily for recreation and not for residential use, with a portion of the facility that contains at least one separate apparatus intended for the recreation of children, including a sliding board, swingset, and teeterboard.”.

(4) A new paragraph (4B) is added to read as follows:

“(4B) “Public recreational facility” means a park, dog park, trail, community facility,

1 playground, swimming pool, spray park, neighborhood recreation center, or other similar facility that is
2 owned or maintained by the District.”.

3 (5) Paragraph (7) is amended by striking the word “pipe” and inserting the phrase “pipe,
4 tobacco product,” in its place both times it appears.

5 (6) A new paragraph (8) is added to read as follows:

6 “(8) “Tobacco product” means a cigarette, cigar, pipe tobacco, chewing tobacco,
7 smokeless tobacco, snuff, roll-your-own tobacco, cigarette papers or tubes, pipes for smoking tobacco,
8 electronic cigarette, or any other product containing tobacco that is intended for human consumption.”.

9 (b) Section 4 (D.C. Official Code § 7-1703) is amended as follows:

10 (1) The lead-in language is amended by striking the phrase “Smoking” and
11 inserting the phrase “Smoking or the use of tobacco products” in its place.

12 (2) New paragraphs (9) and (10) are added to read as follows:

13 “(9) Within 25 feet of the property line of a playground or public recreational facility;
14 provided, that a residential home owner or tenant who resides within 25 feet of a playground or public
15 recreational facility shall not be subject to the provisions of this act while smoking ~~within his or her~~
16 ~~residence~~ on his or her property.

17 “(10) Within 25 feet of a posted bus stop sign located at any bus stop controlled or
18 maintained by the District of Columbia; provided, that a residential homeowner or tenant who resides
19 within 25 feet of a posted bus stop sign shall not be subject to the provisions of this act while smoking
20 on his or her property.”.

21 (c) Section 5 (D.C. Official Code § 7-1704) is amended by adding new subsections (a-1) and
22 (a-2) to read as follows:

1 “(a-1) In a public recreational facility, the Director of the Department of Parks and Recreation
2 shall post or cause to be posted signs that read “No Smoking”.

3 “(a-2) In a playground in which smoking is prohibited, the owner, manager, or individual or
4 entity responsible for maintaining the private playground shall post or cause to be posted signs that
5 read, “No Smoking.”.

6 Sec. 3. Section 702 of Title 19 of the District of Columbia Municipal Regulations (19 DCMR
7 702), is amended as follows:

8 Section 702.1 (19 DCMR § 702.1) is amended to read as follows:

9 “The use of tobacco in any form is prohibited at all parks, dog parks, trails, community
10 facilities, playgrounds, swimming pools, spray parks and neighborhood recreation center buildings.”.

11 Sec. 4. Applicability

12 This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial
13 plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification
14 published by the Council in the District of Columbia Register.

15 Sec. 5. Fiscal impact statement.

16 The Council adopts the fiscal impact statement in the committee report as the fiscal impact
17 statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved
18 December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

19 Sec. 6. Effective date.

20 This act shall take effect following approval by the Mayor (or in the event of veto by the
21 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
22 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24,

ENGROSSED ORIGINAL

1 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia
2 Register.
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