



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2003 ASSEMBLY BILL 441**

October 8, 2003 - Offered by COMMITTEE ON PUBLIC HEALTH.

1 **AN ACT** *to repeal* 101.123 (1) (ar); *to amend* 101.123 (2) (ar) and 101.123 (4) (a)
2 2.; and *to create* 101.123 (1) (hm) of the statutes; **relating to:** prohibiting
3 smoking on the grounds of the state capitol.

Analysis by the Legislative Reference Bureau

Current law prohibits smoking in the immediate vicinity of the state capitol. This bill expands this prohibition to include the area between the state capitol and the sidewalk surrounding the state capitol. The smoking ban established in the bill does not include the sidewalk.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 101.123 (1) (ar) of the statutes is repealed.

5 **SECTION 2.** 101.123 (1) (hm) of the statutes is created to read:

6 101.123 (1) (hm) "State capitol grounds" means the area between the exterior
7 of the state capitol building and the state capitol building side of each sidewalk that

1 runs along the state capitol building side of one of the 4 streets surrounding the state
2 capitol park. "State capitol grounds" does not include any sidewalk that runs along
3 one of the 4 streets surrounding the state capitol park.

4 **SECTION 3.** 101.123 (2) (ar) of the statutes is amended to read:

5 101.123 (2) (ar) Notwithstanding par. (a) and sub. (3), no person may smoke
6 in the state capitol building or ~~in the immediate vicinity of~~ on the state capitol
7 grounds.

8 **SECTION 4.** 101.123 (4) (a) 2. of the statutes is amended to read:

9 101.123 (4) (a) 2. A person in charge or his or her agent may not designate an
10 entire building as a smoking area or designate any smoking areas in the state capitol
11 building, ~~in the immediate vicinity of~~ on the state capitol grounds, in a Type 1 secured
12 correctional facility, on the grounds of a Type 1 secured correctional facility, in a
13 motor bus, hospital or physician's office or on the premises, indoors or outdoors, of
14 a day care center when children who are receiving day care services are present,
15 except that in a hospital or a unit of a hospital that has as its primary purpose the
16 care and treatment of mental illness, alcoholism or drug abuse a person in charge or
17 his or her agent may designate one or more enclosed rooms with outside ventilation
18 as smoking areas for the use of adult patients who have the written permission of a
19 physician. Subject to this subdivision and sub. (3) (b), a person in charge or his or
20 her agent may not designate an entire room as a smoking area.

21 (END)