



AN ACT REVISING THE DEFINITION OF SMOKING IN THE CLEAN INDOOR AIR ACT; PROVIDING A DEFINITION OF ELECTRONIC SMOKING DEVICE; AMENDING SECTION 50-40-103, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 50-40-103, MCA, is amended to read:

"50-40-103. Definitions. As used in this part, the following definitions apply:

(1) "Bar" means an establishment with a license issued pursuant to Title 16, chapter 4, that is devoted to serving alcoholic beverages for consumption by guests or patrons on the premises and in which the serving of food is only incidental to the service of alcoholic beverages or gambling operations. The term includes but is not limited to taverns, night clubs, cocktail lounges, and casinos.

(2) "Department" means the department of public health and human services provided for in 2-15-2201.

(3) "Electronic smoking device" means an e-cigarette, dab rig, or vape pen containing or delivering nicotine or another substance intended for human consumption that can be used by a person in any manner for the purpose of inhaling vapor or aerosol from the product.

~~(3)~~(4) "Enclosed public place" means an indoor area, room, or vehicle that the general public is allowed to enter or that serves as a place of work, including but not limited to the following:

- (a) restaurants;
- (b) stores;
- (c) public and private office buildings and offices, including all office buildings and offices of political subdivisions, as provided for in 50-40-201, and state government;
- (d) trains, buses, and other forms of public transportation;

- (e) health care facilities;
- (f) auditoriums, arenas, and assembly facilities;
- (g) meeting rooms open to the public;
- (h) bars;
- (i) community college facilities;
- (j) facilities of the Montana university system; and
- (k) public schools, as provided for in 20-1-220 and 50-40-104.

~~(4)~~(5) "Establishment" means an enterprise under one roof that serves the public and for which a single person, agency, corporation, or legal entity is responsible.

~~(5)~~(6) "Incidental to the service of alcoholic beverages or gambling operations" means that at least 60% of the business's annual gross income comes from the sale of alcoholic beverages or gambling receipts, or both.

~~(6)~~(7) "Person" means an individual, partnership, corporation, association, political subdivision, or other entity.

~~(7)~~(8) "Place of work" means an enclosed room where one or more individuals work.

~~(8)~~(9) "Smoking" or "to smoke" ~~includes~~ means the act of lighting, smoking, inhaling, exhaling, or carrying a lighted cigar, cigarette, pipe, or any smokable product, ~~and includes~~ including the use of marijuana or an electronic smoking device."

Section 2. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,
SB 390, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2025.

Speaker of the House

Signed this _____ day
of _____, 2025.

SENATE BILL NO. 390

INTRODUCED BY W. CURDY, J. ISALY, M. BERTOGLIO, B. GILLESPIE, G. HUNTER, W. MCKAMEY, T.

RUNNING WOLF, D. LOGE, J. WINDY BOY, T. MCGILLVRAY, P. TUSS

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