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HOUSE OF REPRESENTATIVES  
147th GENERAL ASSEMBLY

HOUSE BILL NO. 309

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE CLEAN INDOOR AIR ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Chapter 29, Title 16 of the Delaware Code by making deletions as shown by strike through and  
2 insertions as shown by underline as follows and redesignating accordingly:

3 § 2901 Legislative intent.

4 The General Assembly finds that it is in the best interest of the people of this State to protect nonsmokers from  
5 involuntary exposure to environmental tobacco smoke and emissions produced by electronic cigarettes in most indoor areas  
6 open to the public, public meetings, foods service establishments and places of employment.

7 The General Assembly recognizes that a balance should be struck between the health concerns of nonconsumers of  
8 tobacco products and the need to minimize unwarranted governmental intrusion into and regulation of private spheres of  
9 conduct and choice with respect to the use or nonuse of tobacco products in certain designated public areas and in private  
10 places. Therefore, the General Assembly declares that the purpose of this act is to preserve and improve the health, comfort  
11 and environment of the people of this State by limiting exposure to tobacco smoke and emissions produced by electronic  
12 cigarettes.

13 § 2902 Definitions.

14 The following words, terms and phrases, when used in this chapter, shall have the meaning ascribed to them in this  
15 section, except where the context clearly indicates a different meaning:

16 (3) “Electronic cigarette” means any device employing a mechanical heating element, battery, or circuit,  
17 regardless of shape or size, that can be used to deliver nicotine or other substances into the body through inhalation,  
18 including but not limited to, an electronic cigarette, electronic cigar, electronic pipe, electronic hookah or other similar  
19 products that rely on vaporization or aerosolization. It does not include any product that has been approved by the United  
20 States Food and Drug Administration for tobacco cessation or other medical purposes.

21 ~~(11)~~(12) "Smoking" means:

22 a. the burning of a lighted cigarette, cigar, pipe or any other matter or substance that contains tobacco; or

23 b. the operation of an electronic cigarette.

24 § 2903 Smoking restrictions.

25 Except as is provided in § 2904 of this title, and in order to reduce the levels of exposure to environmental tobacco  
26 smoke and emissions produced by electronic cigarettes, smoking shall not be permitted and no person shall smoke in any  
27 indoor enclosed area to which the general public is invited or in which the general public is permitted, including, but not  
28 limited to:

29 (1) Public meetings;

30 (2) Elevators;

31 (3) Government owned and/or operated means of mass transportation including buses, vans, trains, taxicabs and  
32 limousines;

33 (4) Grocery stores;

34 (5) Gymnasiums;

35 (6) Jury waiting and deliberation rooms;

36 (7) Courtrooms;

37 (8) Child day care facilities;

38 (9) Health care facilities including hospitals, health care clinics, doctor's offices or other health-care-related  
39 facilities;

40 (10) Any workplace not exempted;

41 (11) Restrooms, lobbies, reception areas, hallways and other common-use areas;

42 (12) Restaurants as licensed by the Division of Public Health or defined by Title 4;

43 (13) Gaming facilities that are open to the public;

44 (14) Any indoor sports arena;

45 (15) Lobbies, hallways and other common areas in apartment buildings, condominiums and other multiple-unit  
46 residential facilities;

47 (16) Lobbies, hallways and other common areas in hotels and motels, and in no less than 75% of the sleeping  
48 quarters within a hotel or motel that are rented to guests;

49 (17) Bowling alleys;

50 (18) Billiard or pool halls;

- 51 (19) Retirement facilities and nursing homes not including any private residence;
- 52 (20) Public buildings;
- 53 (21) Auditoria;
- 54 (22) Theaters;
- 55 (23) Museums;
- 56 (24) Libraries;
- 57 (25) Public and nonpublic schools;
- 58 (26) Other educational and vocational institutions.
- 59 (27) Establishments defined as a motorsports speedway, tavern or taproom by Title 4.
- 60 Section 2. This act shall take effect 90 days after its enactment into law.

SYNOPSIS

This bill adds e-cigarettes to the Clean Indoor Air Act and would prohibit the operation of e-cigarettes in all public places where smoking is prohibited under current law.