



SPONSOR: Rep. Viola  
Rep. Mulrooney

HOUSE OF REPRESENTATIVES  
147th GENERAL ASSEMBLY

HOUSE BILL NO. 404

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 Section 2904, Title 16 of the Delaware Code by making deletions as shown by strike through  
2 and insertions as shown by underline as follows:

3 § 2904 Smoking restrictions inapplicable.

4 This chapter shall not apply to:

5 (1) Private homes, private residences and private automobiles; provided, however, it shall only apply when such  
6 homes, residences or vehicles are being used for child care or day care or when the private vehicle is being used for the  
7 public transportation of children or as part of health care or day care transportation;

8 (2) Any indoor area where private social functions are being held when seating arrangements are under the control  
9 of the sponsor of the function and not the owner, operator, manager or person in charge of such indoor area;

10 (3) Limousines under private hire; and

11 (4) A hotel or motel room rented to 1 or more guests; provided that the total percentage of such hotel or motel  
12 rooms does not exceed 25%;

13 ~~(5) Any fund raising activity or function sponsored by a volunteer fire company, auxiliary of a fire company, or a~~  
14 ~~volunteer ambulance or volunteer rescue company; provided, however, that the fund raising activity or function takes place~~  
15 ~~upon property owned or leased by the volunteer fire, rescue or ambulance company; and~~

16 ~~(6) Any fund raising activity or function sponsored by a fraternal benefit society as defined by § 6201 of Title 18;~~  
17 ~~provided, however, that the fund raising activity or function takes place upon property owned or leased by said~~  
18 ~~organization.~~

SYNOPSIS

This bill extends Delaware's Clean Indoor Air Act to eliminate smoking in private clubs such as fraternal benefit societies and volunteer fire companies.