

Montana Code Annotated 2019

TITLE 50. HEALTH AND SAFETY

CHAPTER 40. SMOKING IN PUBLIC PLACES

Part 1. Montana Clean Indoor Air Act

Smoking In Enclosed Public Places Prohibited -- Notice To Public -- Places Where Prohibition Inapplicable

50-40-104. Smoking in enclosed public places prohibited -- notice to public -- places where prohibition inapplicable. (1) Except as otherwise provided in this section, smoking in an enclosed public place is prohibited.

(2) The proprietor or manager of an establishment containing enclosed public places shall post a sign in a conspicuous place at all public entrances to the establishment stating, in a manner that can be easily read and understood, that smoking in the enclosed public place is prohibited.

(3) The proprietor or manager of an intrastate bus that is not chartered shall prohibit smoking in all parts of the bus.

(4) The prohibition in subsection (1) does not apply to the following places, whether or not the public is allowed access to those places:

(a) a private residence unless it is used for any of the following purposes, in which case the prohibition in subsection (1) applies:

(i) a family day-care home or group day-care home, as defined in **52-2-703** and licensed pursuant to Title 52, chapter 2, part 7;

(ii) an adult foster care home, as defined in **50-5-101** and licensed pursuant to Title 50, chapter 5;
or

(iii) a health care facility, as defined in **50-5-101** and licensed pursuant to Title 50, chapter 5;

(b) a private motor vehicle;

(c) school property in which smoking is allowed pursuant to the exception in **20-1-220**;

(d) a hotel or motel room designated as a smoking room and rented to a guest; however, not more than 35% of the rooms available to rent to guests may be designated as smoking rooms; and

(e) a site that is being used in connection with the practice of cultural activities by American Indians that is in accordance with the American Indian Religious Freedom Act, 42 U.S.C. 1996 and 1996a.

History: En. Sec. 4, Ch. 368, L. 1979; amd. Sec. 2, Ch. 460, L. 1981; amd. Sec. 2, Ch. 505, L. 1985; amd. Sec. 1, Ch. 458, L. 1989; (4)En. Sec. 2, Ch. 281, L. 1991; amd. Sec. 4, Ch. 268, L. 2005; amd. Sec. 28, Ch. 19, L. 2011.