

111TH CONGRESS  
1ST SESSION

# H. R. 4131

To prohibit smoking in and around Federal buildings.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 19, 2009

Mr. ADLER of New Jersey (for himself and Ms. DEGETTE) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on House Administration and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To prohibit smoking in and around Federal buildings.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Smoke-Free Federal  
5       Workplace Act”.

6       **SEC. 2. FINDINGS.**

7       Congress finds the following:

8               (1) Secondhand smoke contains more than  
9       4,000 chemicals, including at least 69 carcinogens.

1           (2) Secondhand smoke is responsible for almost  
2       50,000 deaths in the United States each year.

3           (3) In 2006, the Surgeon General of the United  
4       States concluded that there is no safe level of expo-  
5       sure to secondhand smoke.

6           (4) Secondhand smoke causes lung cancer and  
7       heart disease among adults who do not smoke.

8           (5) Workplaces are a major source of second-  
9       hand smoke exposure.

10          (6) The Surgeon General has concluded that  
11       smoke-free workplace policies are the only effective  
12       way to eliminate secondhand smoke exposure in the  
13       workplace. Separating smokers from nonsmokers,  
14       cleaning the air, and ventilating buildings cannot  
15       eliminate exposure.

16          (7) An October 2009 report “Secondhand  
17       Smoke Exposure and Cardiovascular Effects: Mak-  
18       ing Sense of the Evidence” from the Institute of  
19       Medicine concludes that smoke-free laws reduce  
20       heart attacks.

21          (8) A July 2009 Institute of Medicine report,  
22       “Combating Tobacco Use in Military and Veteran  
23       Populations”, recommended that the Department of  
24       Defense, the Armed Services, and the Veterans Ad-  
25       ministration “raise the priority given to tobacco con-

1 trol throughout their organizations” with the goal of  
2 achieving a tobacco-free military.

3 **SEC. 3. SMOKE-FREE FEDERAL BUILDINGS.**

4 (a) SMOKE-FREE FEDERAL BUILDINGS.—Not later  
5 than 90 days after the date of the enactment of this Act,  
6 smoking shall be prohibited in Federal buildings.

7 (b) ENFORCEMENT.—

8 (1) EXECUTIVE BRANCH BUILDINGS.—Each  
9 agency head or a designee shall take such actions as  
10 may be necessary to institute and enforce the prohi-  
11 bition contained in subsection (a) as such prohibition  
12 applies to all Federal buildings owned or leased for  
13 use by an Executive Agency.

14 (2) JUDICIAL BRANCH BUILDINGS.—The Direc-  
15 tor of the Administrative Office of the United States  
16 Courts shall take such actions as may be necessary  
17 to institute and enforce the prohibition contained in  
18 subsection (a) as such prohibition applies to all Fed-  
19 eral buildings owned or leased for use by an estab-  
20 lishment in the judicial branch of the Government.

21 (3) LEGISLATIVE BRANCH BUILDINGS.—

22 (A) HOUSE OF REPRESENTATIVES.—The  
23 House Office Building Commission shall take  
24 such actions as may be necessary to institute  
25 and enforce the prohibition contained in sub-

1 section (a) as such prohibition applies to Fed-  
2 eral buildings owned or leased for use by the  
3 House of Representatives.

4 (B) SENATE.—The Committee on Rules  
5 and Administration of the Senate shall take  
6 such actions as may be necessary to institute  
7 and enforce the prohibition contained in sub-  
8 section (a) as such prohibition applies to Fed-  
9 eral buildings owned or leased for use by the  
10 Senate.

11 (C) OTHER ESTABLISHMENTS.—The Ar-  
12 chitect of the Capitol shall take such actions as  
13 may be necessary to institute and enforce the  
14 prohibition contained in subsection (a) as such  
15 prohibition applies to all Federal buildings  
16 owned or leased for use by an establishment in  
17 the legislative branch of the Government (other  
18 than the House of Representatives and the Sen-  
19 ate).

20 (4) FINES FOR NONCOMPLIANCE.—

21 (A) IN GENERAL.—Each of the officials re-  
22 ferred to in paragraphs (1) through (3) shall  
23 implement an enforcement process to impose a  
24 fine on an individual who fails to comply with  
25 the prohibition contained in subsection (a).

1 (B) FINE AMOUNTS.—The official shall  
2 impose a fine of \$250.00 for a first offense,  
3 \$500.00 for a second offense, and \$1,000 for  
4 any subsequent offense.

5 **SEC. 4. PREEMPTION.**

6 (a) IN GENERAL.—Nothing in this Act is intended  
7 to preempt any provision of a law in a State or political  
8 subdivision of a State that is more protective than a provi-  
9 sion of this Act.

10 (b) MORE PROTECTIVE LAWS.—Nothing in the Act  
11 shall be interpreted as prohibiting a Federal agency or de-  
12 partment, including a military installation or Veterans Ad-  
13 ministration facility from implementing more protective  
14 smoke-free or tobacco-free laws.

15 **SEC. 5. DEFINITIONS.**

16 For the purposes of this Act, the following definitions  
17 apply:

18 (1) EXECUTIVE AGENCY.—The term “Executive  
19 agency” has the same meaning such term has under  
20 section 105 of title 5, United States Code.

21 (2) FEDERAL AGENCY.—The term “Federal  
22 agency” means any Executive agency and any estab-  
23 lishment in the legislative or judicial branches of the  
24 Government.

1           (3) FEDERAL BUILDING.—The term “Federal  
2       building” means any building or other structure (or  
3       portion thereof) and 25 feet from the perimeter of  
4       such building, courtyard, areas used for children’s  
5       playgrounds, or structure owned, leased, or leased  
6       for use by a Federal agency; except that such term  
7       does not include any building or other structure on  
8       a military installation, any health care facility under  
9       the jurisdiction of the Secretary of Veterans Affairs,  
10      or any area of a building that is used primarily as  
11      living quarters.

12          (4) MILITARY INSTALLATION.—The term “mili-  
13      tary installation” means a base, camp, post, station,  
14      yard, center, homeport facility for any ship, or other  
15      facility under the jurisdiction of the Department of  
16      Defense, including any leased facility. Such term  
17      does not include any facility used primarily for civil  
18      works (including any rivers and harbors project or  
19      flood control project) or buildings used by civilian  
20      defense employees.

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