

112TH CONGRESS
1ST SESSION

H. R. 3382

To prohibit smoking in and around Federal buildings.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 4, 2011

Mrs. DAVIS of California (for herself, Mr. MEEKS, Ms. DEGETTE, Mr. HOLT, and Mr. FALEOMAVAEGA) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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 Buildings Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Tobacco smoke contains more than 7,000
9 chemicals, including at least 69 carcinogens.

10 (2) Secondhand smoke is responsible for almost
11 50,000 deaths in the United States each year.

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

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

6 (5) Workplaces are a major source of second-
7 hand smoke exposure.

8 (6) The Surgeon General has concluded that
9 smoke-free policies are the only effective way to
10 eliminate secondhand smoke exposure in the work-
11 place. Separating smokers from nonsmokers, clean-
12 ing the air, and ventilating buildings cannot elimi-
13 nate exposure.

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

19 (8) In the “Ending the Tobacco Epidemic: A
20 Tobacco Control Strategic Action Plan”, the Depart-
21 ment of Health and Human Services calls for a col-
22 laboration to fully implement tobacco-free facility
23 policies across the Federal Government.

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

2 (a) SMOKE-FREE FEDERAL BUILDINGS.—Not later
3 than 90 days after the date of the enactment of this Act
4 and except as provided in subsection (c), smoking shall
5 be prohibited in Federal buildings.

6 (b) ENFORCEMENT.—Each agency head or a des-
7 ignee shall take such actions as may be necessary to insti-
8 tute and enforce the prohibition contained in subsection
9 (a) as such prohibition applies to all Federal buildings
10 owned or leased for use by an Executive Agency.

11 (c) LIMITED EXCEPTION.—The head of an executive
12 agency may grant a limited exception to the ban on smok-
13 ing in a Federal building where such agency is housed if
14 such exception relates to research that may benefit public
15 health.

16 **SEC. 4. PREEMPTION.**

17 (a) IN GENERAL.—Nothing in this Act is intended
18 to preempt any provision of a law in a State or political
19 subdivision of a State that is more protective than a provi-
20 sion of this Act.

21 (b) MORE PROTECTIVE LAWS.—Nothing in the Act
22 shall be interpreted as prohibiting an executive agency or
23 department, including a military installation from imple-
24 menting more protective smoke-free or tobacco-free laws.

1 **SEC. 5. DEFINITIONS.**

2 For the purposes of this Act, the following definitions
3 apply:

4 (1) EXECUTIVE AGENCY.—The term “executive
5 agency” has the same meaning such term has under
6 section 105 of title 5, United States Code.

7 (2) FEDERAL BUILDING.—The term “Federal
8 building” means any building, workplace, or other
9 structure (or portion thereof) and 25 feet from the
10 perimeter of such building, courtyard, areas used for
11 children’s playgrounds, or structure owned, leased,
12 or leased for use by a executive agency; except that
13 such term does not include any building or other
14 structure on a military installation located outside
15 the United States.

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

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