

House Bill 300

By: Representatives Gardner of the 57th, Wilkinson of the 52nd, Lindsey of the 54th, Teilhet of the 40th, and Ashe of the 56th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 31-12A-6 of the Official Code of Georgia Annotated, relating to
2 exemptions to the "Georgia Smokefree Air Act of 2005," so as to provide an exemption for
3 performers in live theater under certain circumstances; to provide for related matters; to
4 repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Code Section 31-12A-6 of the Official Code of Georgia Annotated, relating to exemptions
8 to the "Georgia Smokefree Air Act of 2005," is amended by revising subsection (a) as
9 follows:

10 "(a) Notwithstanding any other provision of this chapter, the following areas shall be
11 exempt from the provisions of Code Sections 31-12A-4 and 31-12A-5:

- 12 (1) Private residences, except when used as a licensed child care, adult day-care, or
13 health care facility;
- 14 (2) Hotel and motel rooms that are rented to guests and are designated as smoking
15 rooms; provided, however, that not more than 20 percent of rooms rented to guests in a
16 hotel or motel may be so designated;
- 17 (3) Retail tobacco stores, provided that secondhand smoke from such stores does not
18 infiltrate into areas where smoking is prohibited under the provisions of this chapter;
- 19 (4) Long-term care facilities as defined in paragraph (3) of Code Section 31-8-81;
- 20 (5) Outdoor areas of places of employment;
- 21 (6) Smoking areas in international airports, as designated by the airport operator;
- 22 (7) All workplaces of any manufacturer, importer, or wholesaler of tobacco products, of
23 any tobacco leaf dealer or processor, all tobacco storage facilities, and any other entity
24 set forth in Code Section 10-13A-2;

1 (8) Private and semiprivate rooms in health care facilities licensed under this title that
 2 are occupied by one or more persons, all of whom have written authorization by their
 3 treating physician to smoke;

4 (9) Bars and restaurants, as follows:

5 (A) All bars and restaurants to which access is denied to any person under the age of
 6 18 and that do not employ any individual under the age of 18; or

7 (B) Private rooms in restaurants and bars if such rooms are enclosed and have an air
 8 handling system independent from the main air handling system that serves all other
 9 areas of the building and all air within the private room is exhausted directly to the
 10 outside by an exhaust fan of sufficient size;

11 (10) Convention facility meeting rooms and public and private assembly rooms
 12 contained within a convention facility not wholly or partially owned, leased, or operated
 13 by the State of Georgia, its agencies and authorities, or any political subdivision of the
 14 state, municipal corporation, or local board or authority created by general, local, or
 15 special Act of the General Assembly while these places are being used for private
 16 functions and where individuals under the age of 18 are prohibited from attending or
 17 working as an employee during the function;

18 (11) Smoking areas designated by an employer which shall meet the following
 19 requirements:

20 (A) The smoking area shall be located in a nonwork area where no employee, as part
 21 of his or her work responsibilities, shall be required to enter, except such work
 22 responsibilities shall not include custodial or maintenance work carried out in the
 23 smoking area when it is unoccupied;

24 (B) Air handling systems from the smoking area shall be independent from the main
 25 air handling system that serves all other areas of the building and all air within the
 26 smoking area shall be exhausted directly to the outside by an exhaust fan of sufficient
 27 size and capacity for the smoking area and no air from the smoking area shall be
 28 recirculated through or infiltrate other parts of the building; and

29 (C) The smoking area shall be for the use of employees only.

30 The exemption provided for in this paragraph shall not apply to restaurants and bars;

31 (12) Common work areas, conference and meeting rooms, and private offices in private
 32 places of employment, other than medical facilities, that are open to the general public
 33 by appointment only; except that smoking shall be prohibited in any public reception area
 34 of such place of employment; ~~and~~

35 (13) Private clubs, military officer clubs, and noncommissioned officer clubs; and

36 (14) Theaters or other venues in which live performances are conducted; provided,
 37 however, that this exemption shall only extend to actors in live performances when

1 smoking is called for in the script and shall only be applicable if advance notification is
2 given to the patrons who will be attending the performance."

3 **SECTION 2.**

4 All laws and parts of laws in conflict with this Act are repealed.