

House Bill 1136

By: Representatives Glaize of the 67<sup>th</sup>, Rice of the 139<sup>th</sup>, Franklin of the 160<sup>th</sup>, Mitchell of the 88<sup>th</sup>, Williams of the 168<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 12A of Title 31 of the Official Code of Georgia Annotated, the "Georgia  
2 Smoke-free Air Act of 2005," so as to prohibit smoking and disposing of smoking products  
3 within a 25 foot radius of playgrounds and sandboxes; to prohibit smoking within 250 feet  
4 of a youth sports event; to provide for definitions; to provide for related matters; to repeal  
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 12A of Title 31 of the Official Code of Georgia Annotated, the "Georgia Smoke-free  
9 Air Act of 2005," is amended by revising paragraphs (10) through (19) of and adding new  
10 paragraphs to Code Section 31-12A-2, relating to definitions, to read as follows:

11 "(10) 'Playground' means any park or recreational area specifically designed to be used  
12 by children that has play equipment installed, or any similar facility located on public or  
13 private school grounds, or on city, county, or state park grounds.

14 ~~(10)~~(11) 'Public place' means an enclosed area to which the public is invited or in which  
15 the public is permitted, including, but not limited to, banks, bars, educational facilities,  
16 health care facilities, laundromats, public transportation facilities, reception areas,

17 restaurants, retail food production and marketing establishments, retail service  
18 establishments, retail stores, shopping malls, sports arenas, theaters, and waiting rooms.

19 A private residence is not a public place unless it is used as a licensed child care, adult  
20 day-care, or health care facility.

21 ~~(11)~~(12) 'Restaurant' means an eating establishment, including, but not limited to, coffee  
22 shops, cafeterias, sandwich stands, and private and public school cafeterias, which gives  
23 or offers for sale food to the public, guests, or employees, as well as kitchens and catering  
24 facilities in which food is prepared on the premises for serving elsewhere. The term shall  
25 include a bar area within any restaurant.

26 ~~(12)~~(13) 'Retail tobacco store' means a retail store utilized primarily for the sale of  
27 tobacco products and accessories and in which the sale of other products is merely  
28 incidental.

29 (14) 'Sandbox' means a designated play area within a public park for the use by children  
30 under five years of age. Where the area is not contained by a fence, the boundary of a  
31 sandbox area shall be defined by the edge of the resilient surface of safety material, such  
32 as concrete or wood, or any other material surrounding the sandbox area.

33 ~~(13)~~(15) 'Secondhand smoke' means smoke emitted from lighted, smoldering, or burning  
34 tobacco when the person smoking is not inhaling, smoke emitted at the mouthpiece  
35 during puff drawing, and smoke exhaled by the person smoking.

36 ~~(14)~~(16) 'Service line' means an indoor line in which one or more persons are waiting for  
37 or receiving service of any kind, whether or not the service involves the exchange of  
38 money.

39 ~~(15)~~(17) 'Shopping mall' means an enclosed public walkway or hall area that serves to  
40 connect retail or professional establishments.

41 ~~(16)~~(18) 'Smoking' means inhaling, exhaling, burning, or carrying any lighted tobacco  
42 product intended for inhalation, including cigarettes, cigars, and pipe tobacco. Such term  
43 includes the use of an electronic smoking device which creates an aerosol or vapor or the

44 use of any oral smoking device for the purpose of circumventing the prohibition of  
45 smoking in this chapter.

46 ~~(17)~~(19) 'Smoking area' means a separately designated enclosed room which need not  
47 be entered by an employee in order to conduct business that is designated as a smoking  
48 area and, when so designated as a smoking area, shall not be construed as to deprive  
49 employees of a nonsmoking lounge, waiting area, or break room.

50 ~~(18)~~(20) 'Sports arena' means enclosed stadiums and enclosed sports pavilions,  
51 gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling  
52 alleys, and other similar places where members of the general public assemble to engage  
53 in physical exercise, participate in athletic competition, or witness sports or other events.

54 ~~(19)~~(21) 'Tobacco product' has the same meaning as in 21 U.S.C. Section 321(rr) as it  
55 exists on July 1, 2023.

56 (22) 'Youth sports event' means any practice, game, or related activity organized by any  
57 entity at which athletes up to 18 years of age are present."

## 58 SECTION 2.

59 Said chapter is further amended by adding a new Code section to read as follows:

60 "31-12A-14.

61 (a) Smoking shall be prohibited within:

62 (1) A 25 foot radius of any playground or sandbox area; and

63 (2) A 250 foot radius of any youth sports event.

64 (b) Disposing of cigarette butts, cigar butts, or any other tobacco related waste shall be  
65 prohibited within a 25 foot radius of any playground or sandbox area."

## 66 SECTION 3.

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