

The House Committee on Public and Community Health offers the following substitute to HB 1040:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 12A of Title 31 of the Official Code of Georgia Annotated, relating to
2 smoke-free air, so as to prohibit smoking within a 25 foot radius of any state and local
3 government buildings or enclosed public places; to prohibit smoking in certain previously
4 exempt enclosed workplaces; to provide for related matters; to repeal conflicting laws; and
5 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, relating to smoke-free
9 air, is amended by revising Code Section 31-12A-3, relating to smoking prohibited in state
10 and local government buildings, as follows:

11 "31-12A-3.

12 Smoking shall be prohibited in and within a 25 foot radius of all enclosed facilities of,
13 including buildings owned, leased, or operated by, the State of Georgia, its agencies and
14 authorities, and any political subdivision of the state, municipal corporation, or local board
15 or authority created by general, local, or special Act of the General Assembly or by

16 ordinance or resolution of the governing body of a county or municipal corporation
17 individually or jointly with other political subdivisions or municipalities of the state."

18 **SECTION 2.**

19 Said chapter is further amended by revising Code Section 31-12A-4, relating to smoking
20 prohibited in enclosed public places, as follows:

21 "31-12A-4.

22 Except as otherwise specifically authorized in Code Section 31-12A-6, smoking shall be
23 prohibited in and within a 25 foot radius of all enclosed public places in this state."

24 **SECTION 3.**

25 Said chapter is further amended by revising subsection (a) of Code Section 31-12A-6,
26 relating to exemptions, as follows:

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

29 (1) Private residences, except when used as a licensed child care, adult day-care, or
30 ~~health care~~ healthcare facility;

31 (2) Hotel and motel rooms that are rented to guests and are designated as smoking
32 rooms; provided, however, that not more than 20 percent of rooms rented to guests in a
33 hotel or motel may be so designated;

34 (3) Retail tobacco stores, provided that secondhand smoke from such stores does not
35 infiltrate into areas where smoking is prohibited under the provisions of this chapter;

36 ~~(4) Long-term care facilities as defined in paragraph (3) of Code Section 31-8-81~~
37 Reserved;

38 (5) Outdoor areas of places of employment;

39 (6) Smoking areas in international airports, as designated by the airport operator;

40 (7) All workplaces of any manufacturer, importer, or wholesaler of tobacco products, of
41 any tobacco leaf dealer or processor, all tobacco storage facilities, and any other entity
42 set forth in Code Section 10-13A-2;

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

46 (9) Bars and restaurants, as follows:

47 (A) All bars and restaurants to which access is denied to any person under the age of
48 18 and that do not employ any individual under the age of 18; or

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

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

60 (11)(A) Smoking areas designated by an employer, provided that such areas which
61 shall meet the following requirements:

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

66 ~~(B)(ii)~~ Air handling systems from the smoking area shall be independent from the
67 main air handling system that serves all other areas of the building and all air within
68 the smoking area shall be exhausted directly to the outside by an exhaust fan of
69 sufficient size and capacity for the smoking area and no air from the smoking area
70 shall be recirculated through or infiltrate other parts of the building; and

71 ~~(C)(iii)~~ The smoking area shall be for the use of employees only.

72 (B) The exemption provided for in this paragraph shall not apply to restaurants and
73 bars;

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

78 (13) Private clubs, military officer clubs, and noncommissioned officer clubs."

79 **SECTION 4.**

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