**South Carolina General Assembly**

119th Session, 2011-2012

**A188, R234, H4092**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Limehouse, Sottile, Gilliard, Stavrinakis, McCoy, Whipper and R.L. Brown

Document Path: l:\council\bills\nbd\11515ac11.docx

Introduced in the House on April 13, 2011

Introduced in the Senate on April 18, 2012

Last Amended on March 29, 2012

Passed by the General Assembly on May 30, 2012

Governor's Action: June 7, 2012, Signed

Summary: Smoking

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 4/13/2011 House Introduced and read first time ([House Journal‑page 50](file:///h%3A%5Chj%20archive%5C2011%5C04-13-11.docx))

 4/13/2011 House Referred to Committee on **Education and Public Works** ([House Journal‑page 50](file:///h%3A%5Chj%20archive%5C2011%5C04-13-11.docx))

 3/21/2012 House Committee report: Favorable with amendment **Education and Public Works** ([House Journal‑page 58](file:///h%3A%5Chj%20archive%5C2012%5C03-21-12.docx))

 3/28/2012 House Member(s) request name added as sponsor: Whipper, R.L.Brown

 3/28/2012 House Debate adjourned until Thur., 03‑29‑12 ([House Journal‑page 68](file:///h%3A%5Chj%20archive%5C2012%5C03-28-12.docx))

 3/29/2012 House Amended ([House Journal‑page 15](file:///h%3A%5Chj%20archive%5C2012%5C03-29-12.docx))

 3/29/2012 House Read second time ([House Journal‑page 15](file:///h%3A%5Chj%20archive%5C2012%5C03-29-12.docx))

 3/29/2012 House Roll call Yeas‑63 Nays‑39 ([House Journal‑page 15](file:///h%3A%5Chj%20archive%5C2012%5C03-29-12.docx))

 3/30/2012 Scrivener's error corrected

 4/17/2012 House Read third time and sent to Senate ([House Journal‑page 15](file:///h%3A%5Chj%20archive%5C2012%5C04-17-12.docx))

 4/18/2012 Senate Introduced and read first time ([Senate Journal‑page 8](file:///h%3A%5Csj%20archive%5C2012%5C04-18-12.docx))

 4/18/2012 Senate Referred to Committee on **Medical Affairs** ([Senate Journal‑page 8](file:///h%3A%5Csj%20archive%5C2012%5C04-18-12.docx))

 5/24/2012 Senate Committee report: Favorable **Medical Affairs** ([Senate Journal‑page 24](file:///h%3A%5Csj%20archive%5C2012%5C05-24-12.docx))

 5/29/2012 Senate Read second time ([Senate Journal‑page 24](file:///h%3A%5Csj%20archive%5C2012%5C05-29-12.docx))

 5/29/2012 Senate Roll call Ayes‑34 Nays‑5 ([Senate Journal‑page 24](file:///h%3A%5Csj%20archive%5C2012%5C05-29-12.docx))

 5/30/2012 Senate Read third time and enrolled ([Senate Journal‑page 23](file:///h%3A%5Csj%20archive%5C2012%5C05-30-12.docx))

 6/5/2012 Ratified R 234

 6/7/2012 Signed By Governor

 6/18/2012 Effective date 06/07/12

 6/18/2012 Act No. 188

**VERSIONS OF THIS BILL**

[4/13/2011](file:///p%3A%5Cpprever%5C2011-12%5C4092_20110413.docx)

[3/21/2012](file:///p%3A%5Cpprever%5C2011-12%5C4092_20120321.docx)

[3/29/2012](file:///p%3A%5Cpprever%5C2011-12%5C4092_20120329.docx)

[3/30/2012](file:///p%3A%5Cpprever%5C2011-12%5C4092_20120330.docx)

[5/24/2012](file:///p%3A%5Cpprever%5C2011-12%5C4092_20120524.docx)

(A188, R234, H4092)

**AN ACT TO AMEND SECTION 44‑95‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PLACES WHERE SMOKING IS PROHIBITED, SO AS TO PROVIDE THAT SMOKING IS NOT ALLOWED IN BUILDINGS, PORTIONS OF BUILDINGS, AND AREAS CONTIGUOUS TO THESE BUILDINGS OWNED, LEASED, OR OPERATED BY PUBLIC INSTITUTIONS OF HIGHER LEARNING THAT THE GOVERNING BODY OF THE INSTITUTION HAS DESIGNATED AS NONSMOKING.**

Be it enacted by the General Assembly of the State of South Carolina:

**Smoking not allowed in college buildings if institution’s governing board designates as nonsmoking**

SECTION 1. Section 44‑95‑20 of the 1976 Code is amended to read:

 “Section 44‑95‑20. It is unlawful for a person to smoke or possess lighted smoking material in any form in the following public indoor areas except where a smoking area is designated as provided for in this chapter:

 (1) public schools and preschools where routine or regular kindergarten, elementary, or secondary educational classes are held including libraries. Private offices and teacher lounges which are not adjacent to classrooms or libraries are excluded. However, this exclusion does not apply if the offices and lounges are included specifically in a directive by the local school board. This section does not prohibit school district boards of trustees from providing for a smoke‑free campus;

 (2) all other indoor facilities providing children’s services to the extent that smoking is prohibited in the facility by federal law and all other childcare facilities, as defined in Section 63‑13‑20, which are licensed pursuant to Chapter 13, Title 63;

 (3) health care facilities as defined in Section 44‑7‑130, except where smoking areas are designated in employee break areas. However, nothing in this chapter prohibits or precludes a health care facility from being smoke free;

 (4) government buildings, except health care facilities as provided for in this section, except that smoking may be allowed in enclosed private offices and designated areas of employee break areas. However, smoking policies in the State Capitol and Legislative Office Buildings must be determined by the office of government having control over its respective area of the buildings. ‘Government buildings’ means buildings or portions of buildings which are leased or operated under the control of the State or any of its political subdivisions, except those buildings or portions of buildings which are leased to other organizations or corporations;

 (5) elevators;

 (6) public transportation vehicles, except for taxicabs;

 (7) arenas and auditoriums of public theaters or public performing art centers. However, smoking areas may be designated in foyers, lobbies, or other common areas, and smoking is permitted as part of a legitimate theatrical performance; and

 (8) buildings, or portions of buildings, and the outside areas immediately contiguous to these buildings owned, leased, operated, or maintained by a public institution of higher learning, as defined in Section 59‑103‑5, that the governing board of the institution has designated as nonsmoking.”

**Time effective**

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 5th day of June, 2012.

Approved the 7th day of June, 2012.

\_\_\_\_\_\_\_\_\_\_