

## Session 118 - (2009-2010)

### H 3113 General Bill, By Rutherford, King, Gunn and McEachern

#### *Similar (S 0038)*

#### **Summary:** Smoking

A BILL TO AMEND CHAPTER 95 OF TITLE 44, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE "CLEAN INDOOR AIR ACT OF 1990", SO AS TO EXTEND THE SMOKING PROHIBITION PROVIDED FOR IN THE ACT TO RESTAURANTS, BARS, LOUNGE AREAS, AND RECREATIONAL FACILITIES; TO SPECIFY THAT SMOKING IS PERMITTED IN PRIVATE HOMES AND AUTOMOBILES, HOME-BASED BUSINESSES, PRIVATE FUNCTIONS IN INDOOR AREAS, HOTEL ROOMS DESIGNATED AS SMOKING ROOMS, SPECIALTY TOBACCO STORES, TOBACCO MANUFACTURERS, CIGAR BARS, AND PRIVATE CLUBS AND TO PROVIDE THAT A PROPRIETOR OF AN ESTABLISHMENT HAS THE RIGHT TO PROHIBIT SMOKING IN HIS ESTABLISHMENT WHICH WOULD OTHERWISE BE PERMITTED BY THIS CHAPTER; TO PROVIDE THAT THE POSTING OF DESIGNATED SMOKING AREA SIGNS IS NOT REQUIRED FOR PRIVATE HOMES AND AUTOMOBILES OR HOME-BASED BUSINESSES AND TO PROVIDE AN EXCEPTION; TO DELETE THE MAXIMUM CRIMINAL PENALTY FROM A FINE OF TWENTY-FIVE DOLLARS AND TO PROVIDE A MINIMUM CRIMINAL PENALTY OF A FINE OF NOT LESS THAN FIFTY DOLLARS; TO PROVIDE THAT A PERSON SMOKING IN A RESTAURANT, BAR, OR LOUNGE MUST BE ASKED TO EXTINGUISH ALL LIGHTED TOBACCO PRODUCTS AND IF THE PERSON REFUSES TO DO SO, THE PERSON MUST BE ASKED TO LEAVE THE PREMISES; TO PROHIBIT A PERSON OR EMPLOYER FROM RETALIATING AGAINST ANOTHER PERSON OR AN EMPLOYEE OR CUSTOMER FOR FILING A COMPLAINT FOR OR SEEKING PROSECUTION OF A VIOLATION OF THIS CHAPTER; AND TO PROVIDE THAT THE CLEAN INDOOR AIR ACT MUST NOT BE CONSTRUED TO PERMIT SMOKING WHERE IT IS OTHERWISE PROHIBITED BY REGULATION OF A STATE OR LOCAL AGENCY, INCLUDING A LOCAL ORDINANCE.

12/09/08	House	Prefiled
12/09/08	House	Referred to Committee on Judiciary
01/13/09	House	Introduced and read first time HJ-52
01/13/09	House	Referred to Committee on Judiciary HJ-53
01/28/09	House	Member(s) request name added as sponsor: McEachern