**South Carolina General Assembly**

118th Session, 2009-2010

**H. 4412**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Crawford, Cobb‑Hunter, Jefferson, Williams, Parker, Hosey, Daning, Bales, Lowe, R.L. Brown, Clyburn, Hodges and D.C. Smith

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Introduced in the House on January 26, 2010

Currently residing in the House Committee on **Judiciary**

Summary: Smoking

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/26/2010 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2010\01-26-10.docx)‑2

1/26/2010 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2010\01-26-10.docx)‑3

**VERSIONS OF THIS BILL**

[1/26/2010](file:///p:\pprever\2009-10\4412_20100126.docx)

**A** **BILL**

TO AMEND SECTION 44‑95‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PUBLIC INDOOR AREAS WHERE SMOKING IS PROHIBITED UNDER THE “CLEAN INDOOR AIR ACT”, SO AS TO ALSO PROHIBIT SMOKING OR POSSESSING LIGHTED SMOKING MATERIAL WITHIN TWENTY‑FIVE FEET OF AN EXTERIOR ENTRY OR EXIT DOOR TO THE INDOOR AREA; AND TO AMEND SECTION 44‑95‑30, RELATING TO DESIGNATED SMOKING AND NONSMOKING AREAS, SO AS TO PROVIDE THAT A DESIGNATED SMOKING AREA MAY NOT BE WITHIN TWENTY‑FIVE FEET OF AN EXTERIOR ENTRY OR EXIT DOOR TO A PUBLIC INDOOR AREA WHERE SMOKING IS PROHIBITED.

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

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, and within twenty‑five feet of an exterior entry or exit door to the public indoor area:

(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; and

(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.”

SECTION 2. Section 44‑95‑30 of the 1976 Code is amended to read:

“Section 44‑95‑30. (A) In areas where smoking is permitted in Section 44‑95‑20, the owner, manager, or agent in charge of the premises or vehicle referenced in Section 44‑95‑20 shall conspicuously display signs designating smoking areas and nonsmoking areas ~~alike~~, except that signs are not required in private offices.

(B) A designated smoking area may not be within twenty-five feet of an exterior entry or exit door to a public indoor area where smoking is prohibited.”

SECTION 3. This act takes effect upon approval by the Governor.

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