**A** **BILL**

TO AMEND SECTION 44‑95‑20 OF THE 1976 CODE, RELATING TO THE CLEAN INDOOR AIR ACT, INCLUDING EXCEPTIONS TO PLACES WHERE SMOKING IS PROHIBITED, TO DELETE PROVISIONS ALLOWING SMOKING IN CERTAIN PRIVATE OFFICES AND TEACHER LOUNGES AT SCHOOLS; AND BY ADDING SECTION 59‑1‑485 TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO SMOKE OR POSSESS LIGHTED SMOKING MATERIAL IN OUTDOOR AREAS OF PUBLIC SCHOOLS AND PRESCHOOLS AND TO PROVIDE A PENALTY.

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:

(1) public schools and preschools where routine or regular kindergarten, elementary, or secondary educational classes are held including libraries, private offices, and teacher lounges~~.~~; ~~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 child ~~day care~~ daycare facilities, as defined in Section 20‑7‑2700, ~~which~~ that are licensed pursuant to subarticle 11, Article 13, Chapter 7~~,~~ of Title 20;

(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~~ that are leased or operated under the control of the State or any of its political subdivisions, except those buildings or portions of buildings ~~which~~ that 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. Article 5, Chapter 1, Title 59 of the 1976 Code is amended by adding:

“Section 59‑1‑485. (A) A person may not smoke or possess lighted smoking material in any form in indoor areas pursuant to Section 44‑95‑20(1) and in outdoor areas of public schools and preschools.

(B) A person who fails to comply with subsection (A) must be referred by the school district to smoking cessation services as provided for in subsection (C).

(C) School districts shall provide or refer students, staff, and other offenders to smoking cessation services and shall ensure that tobacco use prevention programs, as recommended by the South Carolina Department of Health and Environmental Control, the South Carolina Department of Alcohol and Other Drug Abuse Services, and the South Carolina Department of Education, are an integral part of a school district’s substance abuse prevention efforts.”

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

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