**A** **BILL**

TO AMEND SECTION 44‑95‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PLACES WHERE SMOKING IS PROHIBITED, SO AS TO PROVIDE SMOKING IS PROHIBITED IN ALL PUBLIC INDOOR PLACES, TO DEFINE AND INCLUDE ELECTRONIC CIGARETTES IN THIS BAN, TO DELETE CERTAIN REFERENCES TO DESIGNATED SMOKING AREAS IN PUBLIC INDOOR PLACES, AND TO EXEMPT PRIVATE CLUBS; AND TO REPEAL SECTION 44‑95‑30 RELATING TO DESIGNATED SMOKING AND NONSMOKING AREAS, AND SECTION 44‑95‑40 RELATING TO SEPARATION OF SMOKING AND NONSMOKING AREAS.

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. (A) It is unlawful for a person to smoke or possess lighted smoking material or use an electronic smoking device in ~~any form in the following~~ a public indoor ~~areas except where a smoking area is designated as provided for in this chapter:~~ 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.~~

(B) For the purposes of this section, an ‘electronic smoking device’ means an electronic device that can be used to deliver nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, or pipe.

(C) The provisions of this chapter do not apply to a private club or other establishment not open to the general public.”

SECTION 2. Sections 44‑95‑30 and 44‑95‑40 are repealed.

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

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