~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 21, 2012

**H. 4092**

Introduced by Reps. Limehouse, Sottile, Gilliard, Stavrinakis and McCoy

S. Printed 3/21/12--H.

Read the first time April 13, 2011.

**THE COMMITTEE ON EDUCATION AND PUBLIC WORKS**

To whom was referred a Bill (H. 4092) 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 prohibited, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by deleting Section 44‑95‑20(8) on page 2 and inserting:

/ “(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.”/

Renumber sections to conform.

Amend title to conform.

PHILLIP D. OWENS for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

The Commission on Higher Education indicates this bill will have no impact on the General Fund of the State or on federal and/or other funds, as the provision does not require further action by institutions or ban smoking entirely on campuses statewide.

*Approved By:*

Brenda Hart

Office of State Budget

**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 THAT SMOKING IS NOT ALLOWED IN BUILDINGS ON CAMPUSES OF PUBLIC INSTITUTIONS OF HIGHER LEARNING WHEN IT IS PROHIBITED BY THE GOVERNING BODY OF THE INSTITUTION AND TO PROVIDE THAT A GOVERNING BODY IS NOT PRECLUDED FROM ESTABLISHING A SMOKE-FREE CAMPUS.

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 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; and

(8) buildings on campuses of public institutions of higher learning, as defined in Section 59‑103‑5, when smoking is prohibited by the governing body of the institution; this item does not preclude a governing body from establishing a smoke‑free campus.”

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

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