**A** **BILL**

TO ENACT THE “WORKPLACE HEALTH IMPROVEMENT ACT” BY REPEALING SECTION 41‑1‑85, CODE OF LAWS OF SOUTH CAROLINA, 1976, WHICH PROHIBITS EMPLOYERS FROM TAKING PERSONNEL ACTION BASED ON THE USE OF TOBACCO PRODUCTS OUTSIDE OF THE WORKPLACE.

Whereas, an individual does not have to be in the presence of lighted tobacco products to potentially suffer from the effects of such smoke; and

Whereas, regardless of where an individual smokes tobacco products, smoke from the product clings to his clothing, hair, skin, and other surfaces and lingers there long after smoking has stopped; this is known as “third-hand smoke”; and

Whereas, individuals exposed to third-hand smoke may be at risk of tobacco-related health problems by inhaling third-hand smoke or by touching or being touched by an individual carrying third-hand smoke; and

Whereas, the South Carolina General Assembly finds that employers must be free from unreasonable governmental restrictions related to employment policies that may protect and improve the health of coworkers, customers, and clients and that may result in health care cost savings for both the employer and employees. Now therefore,

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

SECTION 1. This act may be cited as the “Workplace Health Improvement Act”.

SECTION 2. Section 41‑1‑85 of the 1976 Code is repealed.

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

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