**A** **BILL**

TO AMEND SECTION 44‑95‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CITATION OF CHAPTER 95, TITLE 44 AS THE “CLEAN INDOOR AIR ACT OF 1990”, SO AS TO CHANGE THE CHAPTER CITATION TO THE “CLEAN AIR ACT OF 2014”; TO AMEND SECTION 44‑95‑20, AS AMENDED, RELATING TO AREAS WHERE SMOKING IS PROHIBITED, SO AS TO ALSO PROHIBIT THE USE OF ELECTRONIC CIGARETTES IN THESE AREAS; TO PROVIDE THAT SMOKING ALSO IS PROHIBITED WITHIN FIFTEEN FEET OF THE ENTRANCE TO OR EXIT FROM THESE AREAS; TO DELETE REFERENCES TO “INDOOR”; TO ALSO PROHIBIT SMOKING IN PUBLIC OUTDOOR GATED FACILITIES WHERE ATHLETIC EVENTS AND OTHER EVENTS ARE HELD; TO STATE PENALTIES FOR VIOLATIONS OF THIS SECTION; AND TO RENAME CHAPTER 95, TITLE 44 THE “CLEAN AIR ACT”.

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

SECTION 1. Section 44‑95‑10 of the 1976 Code is amended to read:

“Section 44‑95‑10. This chapter may be cited as the ‘Clean ~~Indoor~~ Air Act of ~~1990~~ 2014’.”

SECTION 2. Section 44‑95‑20 of the 1976 Code, as last amended by Act 188 of 2012, is further amended to read:

“Section 44‑95‑20. (A) It is unlawful for a person to smoke or possess lighted smoking material in any form or to use an electronic cigarette, as defined in Section 16‑17‑501, in the following public ~~indoor~~ areas and within fifteen feet of the entrance to or exit from these 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~~ 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;

(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, 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; and

(9) public outdoor gated facilities where events, including, but not limited to, athletic events, concerts, and races, are held.

(B) A person who violates subsection (A) is guilty of a misdemeanor, and upon conviction, must be fined not less than ten dollars and not more than twenty‑five dollars.”

SECTION 3. Chapter 95, Title 44 of the 1976 Code is renamed the “Clean Air Act”.

SECTION 4. This act takes effect upon approval by the Governor.

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