SB37

E8MQ929-1

By Senator Allen

RFD: Healthcare

First Read: 06-Feb-24

SYNOPSIS:

Under existing law, the Alabama Clean Indoor Air Act prohibits the smoking of tobacco products in most public places and at public meetings.

This bill would prohibit the smoking of electronic nicotine delivery systems in the same manner as the smoking of tobacco products is prohibited.

A BILL

TO BE ENTITLED

AN ACT

Relating to the Alabama Clean Indoor Air Act, to amend Section 22-15A-3, Code of Alabama 1975, to prohibit the smoking of electronic nicotine delivery systems in the same manner as the smoking of tobacco products is prohibited.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 22-15A-3 of the Code of Alabama 1975, is amended to read as follows:

"§22-15A-3

As used in this chapter, the following words and phrases shall have the following meanings:

(1) BAR AND LOUNGE. Any establishment which is primarily devoted to the serving of alcoholic beverages for

consumption by patrons on the premises and in which the serving of food is only incidental to the consumption of beverages. Although a restaurant may contain a bar, the term "bar" shall not include the restaurant dining area.

(2) CHILD CARE FACILITY. Any facility caring for children.

(3) DEPARTMENT. The Alabama Department of Public Health.

(4) EMPLOYER. Any person, partnership, association, corporation, or nonprofit entity that employs five or more persons, including the legislative, executive, and judicial branches of state government; and any county, city, town, or village or any other political subdivision of the state; any public authority, commission, agency, or public benefit corporation; or any other separate corporate instrumentality or unit of state or local government.

(5) GOVERNMENT BUILDING. Any building owned or operated by the state, including the legislative, executive, and judicial branches of state government; any county, city, town, or village or any other political subdivision of the state; any public authority, commission, agency, or public benefit corporation; or any other separate corporate instrumentality or unit of state or local government.

(6) PUBLIC CONVEYANCE. A bus, taxi, train, trolley, boat, and any other means of public transit.

(7) PUBLIC MEETING. Any meeting open to the public unless held in a private residence.

(8) PUBLIC PLACE. Any enclosed area to which the public

is permitted, including, but not limited to, auditoriums, elevators, hospitals, nursing homes, libraries, courtrooms, jury waiting rooms and deliberation rooms, theatres, museums, common areas of retirement homes, restaurants, laundromats, health facilities, educational facilities, shopping malls, government buildings, sports and recreational facilities, places of employment, airports, banks, retail stores, and service establishments. A private residence is not a "public place."

(9) SERVICE LINE. Any indoor line at which one or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money.

(10) SMOKING. The burning of a lighted cigarette, cigar, pipe, or any other matter or substance that contains tobacco and the use of an electronic nicotine delivery system as defined in Section 28-11-2.

(11) SMOKING AREA. Any designated area meeting the requirements of Section 22-15A-7."

Section 2. This act shall become effective on October 1, 2024.