

1 HB141  
2 146507-1  
3 By Representative Weaver  
4 RFD: Health  
5 First Read: 05-FEB-13

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8 SYNOPSIS: Under existing law, the Alabama Clean Indoor  
9 Air Act prohibits smoking in certain public places,  
10 including hospitals, except for designated smoking  
11 areas.

12 This bill would further prohibit smoking on  
13 a hospital campus and would prohibit the  
14 designation of a smoking area on hospital property.

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16 A BILL  
17 TO BE ENTITLED  
18 AN ACT

19  
20 To amend Section 22-15A-6, Code of Alabama 1975,  
21 relating to the designation of smoking areas under the Alabama  
22 Clean Indoor Air Act; to prohibit smoking on hospital  
23 property.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Section 22-15A-6 of the Code of Alabama  
26 1975, is amended to read as follows:

27 "§22-15A-6.

1           "(a) Pursuant to this section, the person in charge  
2 of a public place may designate an area for the use of  
3 smokers. Notwithstanding the foregoing, a smoking area may not  
4 be designated and no person may smoke in any of the following  
5 unless the area is enclosed and well ventilated:

6           "(1) Child care facilities.

7           "(2) ~~Hospitals, health~~ Health care clinics, doctors'  
8 offices, physical therapy facilities, and dentists' offices.

9           "(3) Elevators.

10          "(4) Buses, taxicabs, and other means of public  
11 conveyance.

12          "(5) Government buildings, except private offices.

13          "(6) Restrooms.

14          "(7) Service lines.

15          "(8) Public areas of aquariums, galleries,  
16 libraries, and museums.

17          "(9) Lobbies, hallways, and other common areas in  
18 apartment buildings, senior citizen residences, nursing homes,  
19 and other multiple-unit residential facilities.

20          "(10) Polling places.

21          "(11) Schools or other school facilities or enclosed  
22 school sponsored events for grades K-12.

23          "(12) Retail establishments, excluding restaurants,  
24 except areas in retail establishments not open to the public.

25          "(13) Lobbies, hallways, and other common areas in  
26 multiple-unit commercial facilities.

1           "(b) If a smoking area is designated, existing  
2 physical barriers and ventilation systems shall be used to  
3 minimize the toxic effect of smoke, and no more than  
4 one-fourth of the total square footage in any public place  
5 within a single enclosed area shall be reserved and designated  
6 for smokers unless clientele dictates otherwise. No area  
7 designated as a smoking area shall contain common facilities  
8 which are expected to be used by the public.

9           "(c) Nothing in this section shall be construed to  
10 prevent any owner, operator, manager, or other person who  
11 controls any establishment or facility from declaring and  
12 enforcing a nonsmoking policy in the entire establishment or  
13 facility.

14           "(d) Notwithstanding any other provision of this  
15 section or this chapter, if any restaurant is deemed by its  
16 owner as being too small to have a designated smoking area, it  
17 shall be left up to the discretion of the owner if the  
18 facility will be a "smoking" or a "nonsmoking" facility.

19           "(e) Any provision of this chapter to the contrary  
20 notwithstanding, a smoking area may not be designated and no  
21 person may smoke in any area of a hospital or the campus of a  
22 hospital including, but not limited to, buildings, parking  
23 areas, plazas, vehicles, underground passages, and private  
24 offices. This subsection does not apply to public  
25 thoroughfares and sidewalks adjacent to the hospital that are  
26 not owned by the hospital and property owned or leased by the  
27 hospital that is distinct from, and not part of, the principal

1 medical campus if the property is used only for purposes not  
2 related to health care."

3 Section 2. This act shall become effective on the  
4 first day of the third month following its passage and  
5 approval by the Governor, or its otherwise becoming law.