

SB37 INTRODUCED



1 SB37
2 E8MQ929-1
3 By Senator Allen
4 RFD: Healthcare
5 First Read: 06-Feb-24



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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



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

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

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

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

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

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

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

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



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

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

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

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

75 Section 2. This act shall become effective on October
76 1, 2024.