



GEORGIA SMOKEFREE AIR ACT of 2005

**A Guide for
Business Owners
and Employers**



Effective July 1, 2005



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June 30, 2005

Dear Members of the Georgia Business Community:

In May 2005, Governor Sonny Perdue signed the Georgia Smokefree Air Act of 2005 into law (O.C.G.A. 31-12A-1 et seq.). Effective July 1, 2005, the new law prohibits smoking inside most public areas and outlines specific guidelines for allowing smoking in and around establishments that serve the public. This legislation is aligned with the Georgia Department of Human Resources (DHR) *Live Healthy Georgia* campaign, an initiative designed to raise awareness about the prevention of chronic diseases and to promote healthy behaviors. One of the key messages of the Live Healthy Georgia campaign is *Be Smokefree*.

Please review the *Georgia Smokefree Air Act of 2005: A Guide for Business Owners and Employers*. This guide will provide suggestions on how to:

- educate your employees and customers on the law.
- comply with the law.
- prepare the workplace for internal policy change.
- offer cessation resources to employees who want to quit smoking.

You may also wish to visit <http://dhr.georgia.gov/gasmokefreeair> to learn more about the Act and to download signs and other materials.

We hope that you find this guide helpful in making the transition to becoming a smokefree environment. I look forward to working with you to create a healthier Georgia.

Sincerely,

A handwritten signature in black ink that reads "Stuart T. Brown". The signature is written in a cursive style with a large, sweeping flourish at the end.

Stuart T. Brown, M.D.
Director
Division of Public Health

GEORGIA'S SMOKEFREE AIR ACT of 2005

What is the Georgia Smokefree Air Act of 2005?

In May 2005, Governor Sonny Perdue signed the Georgia Smokefree Air Act into law. Effective July 1, 2005, the new law prohibits smoking inside most public areas and outlines specific guidelines for allowing smoking in and around establishments that serve the public. However, the Act does allow for more restrictive local laws, rules, and regulations that are currently in place or may be passed in the future. Visit <http://dhr.georgia.gov/gasmokefreeair> to view and download a list of local ordinances.

All worksites covered by the law are strongly encouraged to post their smoking policy along with signs that designate smoking and non-smoking areas as required by law.

Why is this law helpful to me as a business owner?

By complying with the law, businesses and employers will reduce the burden of tobacco on their employees and patrons. Tobacco use, particularly smoking, is the leading preventable cause of death in the United States and is responsible for \$1.8 billion in healthcare costs and \$3.2 billion in lost productivity annually in Georgia. Reducing secondhand smoke exposure for employees and patrons, particularly children, makes restaurants and public establishments safer, cleaner, and more enjoyable. Ultimately, it can also reduce healthcare costs.

Where is smoking NOT allowed?

- Smoking is prohibited in all enclosed facilities, including buildings owned, leased, or operated by the State or local governing authorities.
- Smoking is prohibited in all enclosed public places except as indicated in code section 31-12A-6.
- Smoking is prohibited in all enclosed areas within places of employment unless authorized in code section 31-12A-6. Examples include:
 - Restaurants and bars, except as noted in exemptions
 - Common work areas
 - Medical facilities
 - Auditoriums
 - Cafeterias
 - Classrooms
 - Stairs
 - Private offices
 - Restrooms
 - Elevators
 - Hallways
 - Employee lounges
 - Conference and meeting rooms
 - All other enclosed facilities
- An owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare an entire area as a non-smoking area.
- Smoking is prohibited in any place in which a non-smoking sign is posted.
- The owner, operator, manager or other person in control of the space must remove all ashtrays from any area where smoking is not allowed.

Where is smoking allowed?

The following areas are exempt from the general rule that smoking is prohibited on the condition that a sign indicating that smoking is permitted **must be posted** conspicuously at **every entrance**:

- Bars and restaurants, as follows:
All bars and restaurants that deny access to any person under the age of 18 and that do not employ individuals under the age of 18; or
Private rooms in restaurants and bars if the rooms are enclosed and have an air handling system independent from the main air system that serves all other areas of the building and all air within the private room is exhausted directly to the outside by an exhaust fan of sufficient size.
- Hotel and motel rooms that are rented to guests and are designated as smoking rooms.
- Long-term care facilities as defined in the law.
- Private and semiprivate rooms in health care facilities licensed under code section 31-8-81 that are occupied by one or more persons. Written authorization is required from the treating physician to smoke.
- Outdoor areas of places of employment.
- Designated smoking areas in international airports.
- All workplaces of any manufacturer, importer, or wholesaler of tobacco products, of any tobacco leaf dealer or processor of tobacco products, all tobacco storage facilities, and other facilities listed in code section 10-13A-2.
- Retail tobacco stores, provided that secondhand smoke does not infiltrate to areas where smoking is prohibited.
- Smoking areas designated by an employer. The designated smoking area must be for employees only, must be located in a non-work area, and must have an independent air handling system. This exemption does not apply to restaurants and bars.
- Convention facility meeting rooms and public and private assembly rooms within a convention facility that is not leased or operated by the state or local governing authority while used for private functions. Individuals under age 18 are prohibited from attending or working as an employee during the function.

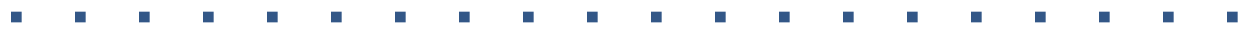
(continued on page 3)

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Where is smoking allowed? (continued from page 2)

- Common work areas, conference and meeting rooms, and private offices in private places of employment, other than medical facilities, open to the general public by appointment only. However, smoking is still prohibited in any public reception area of such place of employment.
- Private clubs, military officer clubs, and non-commissioned officer clubs.

Private residences are exempt from the general rule that smoking is prohibited except when the residence is used as a licensed child care, adult daycare, or healthcare facility.



To comply with the new law:

- Update your workplace smoking policy to reflect the new law.
- Talk with your customers and employees about the law and prepare them for the changes.
- Discuss the new law with employees including what they should do to comply with the law. Information about the law must be communicated to all current employees by July 1, 2005, and to each prospective employee upon application for employment.
- Post the appropriate sign ("no smoking" or "smoking is allowed") at all entrances including bathrooms, stairwells on each floor, bulletin boards, and other prominent places. Visit <http://dhr.georgia.gov/gasmokefreeair> to view and download signs.
- Request any person smoking to refrain from smoking inside the workplace.
- Refer to the law and to workplace policy when dealing with employees who smoke in the workplace. Remind employees that they may be assessed a criminal fine for infractions.
- Ask employees to report problems directly to the manager or owner of the business or to the building's management.
- Remove all ashtrays from the premises.

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What are the penalties?

A person smoking in violation of the law will be guilty of a misdemeanor and fined not less than \$100 and not more than \$500.

What about ordinances that existed before July 1?

Effective July 1, 2005, the new law prohibits smoking inside most public areas and outlines specific guidelines for allowing smoking in and around establishments that serve the public. However, the Act does allow for more restrictive local laws, rules, and regulations that are currently in place or may be passed in the future. Visit <http://dhr.georgia.gov/gasmokefreeair> to view and download a list of local ordinances.

How can I support my employees who want to quit smoking?

The Georgia Tobacco Quit Line provides free counseling, support, and referral services for tobacco users. Quit Line services are available for Georgia residents ages 13 and older who want to quit. Visit <http://dhr.georgia.gov/gasmokefreeair> for cessation resources. Make cessation resources available to your employees. You may also want to consider including coverage in your employee health plan for tobacco cessation counseling and pharmacotherapy (e.g., nicotine replacement therapy).

How can I get more information about the Georgia Smokefree Air Act?

There are several ways to get more information about the Georgia Smokefree Air Act.

Website:

<http://dhr.georgia.gov/gasmokefreeair>

Phone:

1-877-343-3340 (toll-free)

404-657-3378 (metro Atlanta area)

E-mail:

gasmokefreeair@dhr.state.ga.us



**Live
healthy
georgia**



What you can do to prepare the workplace

Review state and local no-smoking laws. Be aware that the Act does allow for more restrictive local laws, rules, and regulations that are currently in place or may be passed in the future. Visit <http://dhr.georgia.gov/gasmokefreeair> to view and download a list of local ordinances.

Notify everyone in the workplace about the new state law:

- Send a letter to each employee and enclose a copy of the fact sheet about the law.
- Announce the new law at regular meetings.
- Include information in the company's newsletter.
- Post flyers on bulletin boards and other locations frequented by employees.
- Distribute payroll enclosures to publicize the new law. Include information on cessation resources such as the Georgia Tobacco Quit Line.
- Focus on the health aspects and the benefits of going smokefree.

Remove ashtrays from tables, counters, breakrooms, hallways, and restrooms.

Place smoking receptacles outside of entrances and doorways. Consider establishing a 25-foot smokefree zone from entrances and doorways.

Plan how you will respond to complaints and violations as you do with other employee rules and guidelines.

For workplaces that serve customers:

- Advise staff to take reasonable steps toward implementation but to avoid confrontations that may result in physical harm.
- Designate and prepare specific outdoor smoking sites utilizing signage and provide safe containers for discarded cigarettes.



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