

Information about the **GEORGIA 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 download a list of local ordinances.

How is this law helpful to me?

This law is helpful because it reduces your exposure to secondhand smoke and its associated risks. Tobacco use, particularly smoking, is the leading preventable cause of death in the United States. Eliminating smoking in public places will reduce the number of tobacco-related illnesses and deaths, which number more than 11,000 each year in Georgia alone. This law provides cleaner and safer environments for us to live, work, and play.

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 rooms
- 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.
- The owner, operator, manager, or other person in control of any area in which smoking is prohibited must remove all ashtrays.
- Smoking is prohibited wherever a no-smoking sign is posted.

Should signs be posted?

Signs where smoking is prohibited and signs stating where smoking is allowed are to be prominently posted in plain view and properly maintained. You can go to <http://dhr.georgia.gov/gasmokefreeair> to view and download signs.

Where can I report a violation?

You may report violations of the Act to the Georgia Department of Human Resources, your County Board of Health, your local health department, or your district health office.

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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.
- 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 noncommissioned officer clubs.

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

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.

Where can I get more information?

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

