

A Guide for Business Owners and Employees

GEORGIA SMOKEFREE AIR ACT of 2005



Effective July 1, 2005

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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 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 mission of the Georgia Department of Public Health (DPH) of protecting the health of Georgians.

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.
- Offer cessation resources to employees who want to quit smoking.

In addition, the Georgia Department of Public Health has information on how a business/workplace can adopt and implement a tobacco-free policy: dph.georgia.gov/workplaces.

You may also wish to visit <http://dph.georgia.gov/tobacco-free-places> to learn more about the Act and to download signs and other materials.

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

Sincerely,

Jean O'Connor
Chronic Disease Prevention Director
Georgia Department of Public Health



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 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.

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 in users and non-users. It 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 associated healthcare costs.

What is secondhand smoke?

Secondhand smoke is a mixture of the smoke exhaled from the lungs of smokers and the smoke from the burning end of a cigarette, pipe or cigar. Secondhand smoke is a class A carcinogen that can cause cancer in any part of the body. This mixture contains more than 4,000 chemicals and at least 60 carcinogens that are known to cause cancer in humans or animals.

Exposure to secondhand smoke can contribute to or cause severe health problems in both smokers and non-smokers, including cancer, respiratory diseases, emphysema, heart disease, sudden infant death syndrome (SIDS) and asthma. Children and pregnant women are especially vulnerable to the effects of secondhand smoke. The longer the exposure to secondhand smoke, the more harmful it can be to your health.



Where is smoking NOT allowed by the law?

- 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

Tobacco use, particularly smoking is the leading preventable cause of death in the United States in users and non-users.

- 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.

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 rooms, meeting rooms and private offices in private places of employment, other than medical facilities that 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.

To comply with the law:

- Update your workplace smoking policy based on the law.
- Talk with your customers and employees about the law.
- Discuss the law with employees including what they should do to comply with the law. Information about the law must be communicated to all employees, included in the employee handbook 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 dph.georgia.gov/tobacco-free-places 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.



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.

A business that allows smoking in violation of the law can be fined through the process of injunctive relief where the amount of the fine will be determined by the court.

dph.georgia.gov/smoke-free-enforcement

What about ordinances that existed before July 1, 2005?

Effective July 1, 2005, the 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.

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 dph.georgia.gov/ready-quit 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.

dph.georgia.gov/smoke-free-enforcement
1-877-343-3340 (toll-free)
404-657-3378 (metro Atlanta area)
chronic.disease@dph.ga.gov



What you can do at your 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

Notify everyone in the workplace about the state no smoking law:

- Include the law in the employee handbook
- Announce the 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 to be in compliance with the law.

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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