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**GEORGIA SMOKEFREE
AIR ACT OF 2005**

Helping You Stay in Compliance

The Georgia Smokefree Air Act of 2005 (O.C.G.A. § 31-12A-1, et al) was enacted by the Georgia Legislature and signed into law by Governor Sonny Perdue in 2005. The Act placed new restrictions on businesses in the state of Georgia, most notably bars and restaurants.

Where smoking IS banned:

- All state and local government buildings;
- All enclosed public spaces;
- Enclosed areas within places of employment; and
- Any place that is designated nonsmoking by the owners.

Where smoking IS NOT banned:

- Private residences, unless used as a licensed child, adult or health care facility;
- Hotel and motel rooms designated as smoking rooms;
- Retail tobacco stores or other workplaces in the tobacco industry;
- Long-term care facilities, including skilled nursing homes, intermediate or personal care homes or community living arrangements;
- Outdoor areas of places of employment;
- Designated smoking areas in international airports;
- Private and semiprivate rooms in licensed health care facilities where room occupants have written authorization by their treating physician to smoke;
- Bars and restaurants which deny access to anyone under 18 and do not employ anyone under 18;
- Enclosed designated room in bars and restaurants that have separate air handling systems independent from main air handling system and all air from designated room is exhausted directly to the outside by sufficient size exhaust fan;
- Non-government convention facility meeting and/or assembly rooms while being used for a private function, no individual under 18 is allowed to attend or work as an employee;
- Private places of employment, other than medical facilities, that are available to the general public by appointment only; smoking is banned in the public reception area; and
- Private clubs, military officer clubs, and noncommissioned officer clubs.

What you must do to stay in compliance:

- If you are an employer with enclosed areas, you must tell your current employees and prospective employees when they apply of the non-smoking areas;
- If you are a hotel or motel, you may designate no more than 20 percent of rooms rented as "smoking rooms";
- In workplaces other than restaurants or bars, employers may designate a non-work area to be a smoking area, provided that no employee is required to enter except for custodial or maintenance work while unoccupied *and* that there is a separate air handling system whereby the smoking area air is exhausted directly to the outside, similar to the restaurant and bar separate room exception;



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- If you are a restaurant or bar that wishes to permit smoking, you must refuse admittance and employment to anyone under 18 years of age or you must have a designated smoking room with separate air handling systems;
- Except for private residences, if your business is exempt from the Georgia Smokefree Air Act, then you must conspicuously post at every entrance a sign indicating that smoking is permitted; and
- In any area where smoking is prohibited, you must remove all ashtrays unless permanently affixed to an existing structure.

Who may enforce:

- Georgia Department of Human Resources
- County Boards of Health
- Duly authorized agents of the Department of Human Resources or the Board of Health

The Georgia Smokefree Air Act does not prohibit other laws, rules or regulations that may be more restrictive.

It is a misdemeanor to smoke in a public place that is prohibited above. The punishment is a fine of not less than \$100, nor more than \$500.