



S.B. 38

127th General Assembly
(As Introduced)

Sens. Schuler, Mumper

BILL SUMMARY

- Creates an exemption from the prohibition on smoking in public places when smoking occurs as an integral part of a theatrical performance.

CONTENT AND OPERATION

Background: prohibition on smoking in public places

(R.C. 3794.01, 3794.02, 3794.03, 3794.07, and 3794.09)

In the 2006 general election, the voters approved an initiative that prohibits smoking in public places and places of employment. For purposes of the smoking prohibition, a "public place" is defined as an enclosed area to which the public is invited or in which the public is permitted and that is not a private residence.

Violators of the smoking prohibition are to be given a warning letter for a first violation and are subject to monetary penalties for a second or subsequent violation. The penalties are to be imposed according to a schedule of fines specified in rules adopted by the Department of Health. For proprietors, the fines may range from \$100 to \$2,500. For individual smokers, the maximum fine is \$100 per violation.

Exemptions from the smoking prohibition apply to the following: private residences, except when used for business purposes; designated smoking rooms in hotels and other lodging facilities; certain family-owned and operated places of employment; areas of nursing homes designated as smoking areas for residents; retail tobacco stores; physically separated outdoor patio areas; and private clubs that meet specified conditions.

Exemption for theatrical performances

(R.C. 3794.03)

The bill creates an exemption from the prohibition on smoking in public places and places of employment in the case of theatrical performances. Specifically, the bill provides that the smoking prohibition does not apply to theaters and other theatrical production sites, but only when a performer smokes while performing in a theatrical production because smoking is integral to, or is directed by the script or other story line of, the performance being given.

HISTORY

ACTION	DATE
Introduced	02-20-07

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