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To: Public Health and
Welfare

HOUSE BILL NO. 551

1 AN ACT TO PROHIBIT SMOKING IN STATE OFFICE BUILDINGS EXCEPT
2 IN DESIGNATED SMOKING AREAS; TO PROVIDE CIVIL PENALTIES FOR
3 VIOLATIONS OF THE ACT; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 SECTION 1. (1) As used in this section:

6 (a) "Smoke" or "smoking" means inhaling, exhaling,
7 burning, carrying or otherwise possessing any lighted cigarette,
8 cigar, pipe or any other object or device of any form that
9 contains lighted tobacco or any other smoking product.

10 (b) "State office building" means the New State Capitol
11 Building, the Woolfolk State Office Building, the Carroll Gartin
12 Justice Building, the Walter Sillers Office Building, the Heber
13 Ladner Building, the Robert E. Lee Office Building, the 301 Lamar
14 Street Building, the State Board of Health Building, the Public
15 Employees' Retirement System Building, the Central High Building,
16 the Court of Appeals Building, the War Veterans' Memorial
17 Building, the State Archives Building, the Ike Sanford Veterans
18 Affairs Building, the Old State Capitol Building, the Burroughs
19 Building, the Mayfair Building, 101 Capitol Centre and any other
20 facility in the state that is owned or leased by the State of
21 Mississippi or any agency, department or institution of the state

22 and that is used for housing state employees during the time of
23 performance of their regular duties for the state. If only part
24 of a facility is leased by the state or an agency, department or
25 institution of the state, only the leased part of the facility
26 will be considered to be a state office building for the purposes
27 of this definition.

28 (2) No person shall smoke in any state office building
29 except in enclosed private offices and designated areas of
30 employee break areas.

31 (3) The person, agency or entity having jurisdiction or
32 supervision over a state office building shall:

33 (a) Designate the areas in the building that will be
34 designated smoking areas;

35 (b) Conspicuously display signs that designate both
36 smoking and nonsmoking areas, except that signs are not required
37 in private offices; and

38 (c) Make every reasonable effort to prevent designated
39 smoking areas from impinging upon nonsmoking areas by the use of
40 existing physical barriers and ventilation systems.

41 (4) The person, agency or entity having jurisdiction or
42 supervision over a state office building shall not allow smoking
43 in the state office building, except in enclosed private offices
44 and designated smoking areas, and shall use reasonable efforts to
45 prevent smoking in the state office building, except in enclosed
46 private offices and designated smoking areas, including, but not
47 limited to, the following:

48 (a) Posting appropriate signs informing state
49 employees, invitees, guests and other persons that smoking is
50 prohibited in the state office building, except in enclosed
51 private offices and designated smoking areas.

52 (b) Securing the removal of persons who smoke in the

53 state office building, except in enclosed private offices and
54 designated smoking areas.

55 (5) Under its regulatory authority, the State Department of
56 Health shall periodically conduct inspections of state office
57 buildings for compliance with this section.

58 (6) Any person who violates subsection (2) of this section
59 shall be subject to a civil penalty of not more than One Hundred
60 Dollars (\$100.00) for each violation.

61 (7) Any person, agency or entity having jurisdiction or
62 supervision over a state office building that allows smoking in
63 the state office building, except in enclosed private offices and
64 designated smoking areas, or fails to employ the efforts
65 prescribed in subsection (4) of this section to prevent smoking in
66 the state office building, except in enclosed private offices and
67 designated smoking areas, shall be subject to a civil penalty of
68 not more than One Hundred Dollars (\$100.00) for each violation.

69 (8) This section expressly preempts to the state the
70 regulation of smoking in state office buildings and supersedes any
71 municipal or county ordinance on the subject.

72 SECTION 2. This act shall take effect and be in force from
73 and after July 1, 2000.