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To: Public Health and  
Welfare

HOUSE BILL NO. 551  
(As Sent to Governor)

1 AN ACT TO PROHIBIT SMOKING IN STATE OFFICE BUILDINGS EXCEPT  
2 IN DESIGNATED SMOKING AREAS; AND FOR RELATED PURPOSES.

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

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

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

9 (b) "State office building" means the New State Capitol  
10 Building, the Woolfolk State Office Building, the Carroll Gartin  
11 Justice Building, the Walter Sillers Office Building, the Heber  
12 Ladner Building, the Department of Transportation Building, the  
13 Robert E. Lee Office Building, the 301 Lamar Street Building, the  
14 State Board of Health Building, the Public Employees' Retirement  
15 System Building, the Central High Building, the Court of Appeals  
16 Building, the War Veterans' Memorial Building, the State Archives  
17 Building, the Ike Sanford Veterans Affairs Building, the Old State  
18 Capitol Building, the Burroughs Building, the Mayfair Building,  
19 101 Capitol Centre and any other facility in the state that is  
20 owned or leased by the State of Mississippi or any agency,  
21 department or institution of the state and that is used for  
22 housing state employees during the time of performance of their  
23 regular duties for the state. If only part of a facility is  
24 leased by the state or an agency, department or institution of the  
25 state, only the leased part of the facility will be considered to  
26 be a state office building for the purposes of this definition.

27           (c) "Designated smoking area" means any area or areas  
28 specifically designated, by the person, agency or entity having  
29 jurisdiction or supervision over a state office building, for the  
30 act of smoking, and shall be limited to one or more of the  
31 following areas:

32                   (i) Enclosed private offices;

33                   (ii) Designated employee break areas; and

34                   (iii) Designated outdoor areas on the property.

35           (2) No person shall smoke in any state office building  
36 except as provided in this section.

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

39                   (a) Designate the areas in the building that will be  
40 designated smoking areas;

41                   (b) Conspicuously display signs that designate both  
42 smoking and nonsmoking areas, except that signs are not required  
43 in private offices; and

44                   (c) Make every reasonable effort to prevent designated  
45 smoking areas from impinging upon nonsmoking areas by the use of  
46 existing physical barriers and ventilation systems. However, the  
47 Mississippi Department of Archives and History shall not be  
48 required to designate smoking areas in any building under its  
49 jurisdiction.

50           (4) The person, agency or entity having jurisdiction or  
51 supervision over a state office building shall not allow smoking  
52 in the state office building, except in designated smoking areas,  
53 and shall use reasonable efforts to prevent smoking in the state  
54 office building, except in designated smoking areas, including,  
55 but not limited to, the following:

56                   (a) Posting appropriate signs informing state  
57 employees, invitees, guests and other persons that smoking is  
58 prohibited in the state office building, except in designated  
59 smoking areas.

60           (b) Securing the removal of persons who smoke in the  
61 state office building, except in designated smoking areas.

62           (5) This section expressly preempts to the state the  
63 regulation of smoking in state office buildings and supersedes any  
64 municipal or county ordinance on the subject.

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