

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MR. PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 551: Smoking; prohibit in all state buildings except in designated areas.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

AMEND by striking lines 4 through 58 in their entirety and inserting in lieu thereof the following:

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

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

(b) "State office building" means the New State Capitol Building, the Woolfolk State Office Building, the Carroll Gartin Justice Building, the Walter Sillers Office Building, the Heber Ladner Building, the Department of Transportation Building, the Robert E. Lee Office Building, the 301 Lamar Street Building, the State Board of Health Building, the Public Employees' Retirement System Building, the Central High Building, the Court of Appeals Building, the War Veterans' Memorial Building, the State Archives Building, the Ike Sanford Veterans Affairs Building, the Old State Capitol Building, the Burroughs Building, the Mayfair Building, 101 Capitol Centre and any other facility in the state that is owned or leased by the State of Mississippi or any agency, department or institution of the state and that is used for housing state employees during the time of performance of their

regular duties for the state. If only part of a facility is leased by the state or an agency, department or institution of the state, only the leased part of the facility will be considered to be a state office building for the purposes of this definition.

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

- (i) Enclosed private offices;
- (ii) Designated employee break areas; and
- (iii) Designated outdoor areas on the property.

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

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

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

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

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

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

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

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

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

CONFEREES FOR THE HOUSE

CONFEREES FOR THE SENATE

X _____

Alyce G. Clarke

X _____

Robert G. Huggins

X _____

Bobby Moody

X _____

Willie Simmons

X _____

Earle S. Banks

X _____

Terry C. Burton