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AMENDMENT No. 4 PROPOSED TO

Committee Sub. for SB NO. 2648

By Senator(s) Hamilton

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

5 **SECTION 1.** The following words and phrases shall have the
6 meanings ascribed in this section, unless the context clearly
7 indicates otherwise:

8 (a) "Bar" means an area that is devoted to the serving
9 of alcoholic beverages for consumption by guests on the premises,
10 in which the serving of food is only incidental to the consumption
11 of those beverages. For the purposes of this paragraph, the term
12 "bar" does not include any establishment where cigarette smoke can
13 filter into any area where smoking is prohibited through a
14 passageway, ventilation system or any other means.

15 (b) "Enclosed area" means all space between a floor and
16 ceiling that is enclosed on all sides by solid walls or windows,
17 excluding doors or passageways, that extend from the floor to the
18 ceiling, including all space therein screened by partitions that
19 do not extend to the ceiling or are not solid, office landscaping
20 or similar structures.

21 (c) "Public conveyance" means buses, taxis, trains,
22 trolleys, boats and other means of public transit when used for
23 public conveyance.

24 (d) "Public place" means any enclosed area to which the

25 public is invited or in which the public is permitted, including,
26 but not limited to, banks, bars, educational facilities, health
27 facilities, laundromats, public conveyances, reception areas,
28 restaurants, retail food production and marketing establishments,
29 retail service establishments, retail stores, sports arenas,
30 theaters and waiting rooms. A private residence is not a "public
31 place."

32 (e) "Restaurant" means any coffee shop, cafeteria,
33 sandwich stand, or any other eating establishment that gives or
34 offers for sale food to the public, guests or employees, as well
35 as kitchens in which food is prepared on the premises for serving
36 elsewhere, including catering facilities, except that the term
37 "restaurant" does not include a cocktail lounge or tavern if the
38 cocktail lounge or tavern is a "bar" as defined in paragraph (a)
39 of this section.

40 (f) "Smoking" means inhaling, exhaling, burning,
41 carrying or otherwise possessing any lighted cigarette, cigar,
42 pipe or any other object or device of any form that contains
43 lighted tobacco or any other smoking product.

44 (g) "Sports arena" means sports pavilions, gymnasiums,
45 health spas, boxing arenas, swimming pools, roller and ice rinks,
46 bowling alleys and other similar places where members of the
47 general public assemble either to engage in or witness physical
48 exercise, athletic competition or other sports entertainment
49 events.

50 **SECTION 2.** (1) Not later than January 1, 2004,
51 municipalities and counties shall adopt ordinances prohibiting
52 smoking in all enclosed public places in the State of Mississippi.

53 (2) Notwithstanding any other provision of this section to
54 the contrary, any owner, operator, manager or other person who
55 controls any establishment or facility may declare that entire
56 establishment or facility is a nonsmoking establishment.

57 **SECTION 3.** This act shall not be interpreted or construed to
58 permit smoking where it is otherwise restricted by other
59 applicable laws or to prohibit any municipality or county from

60 adopting additional ordinances with regard to the use of smoking
61 in public places.

62 **SECTION 4.** This act shall take effect and be in force from
63 and after its passage.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO DIRECT MUNICIPALITIES AND COUNTIES TO ADOPT
2 ORDINANCES PROHIBITING SMOKING IN PUBLIC PLACES; AND FOR RELATED
3 PURPOSES.