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AMENDMENT No. 6 PROPOSED TO

Committee Sub. for SB NO. 2648

By Senator(s) Hewes

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

11 SECTION 1. (a) "Health care facility" means a hospital,
12 nursing facility or other health care facility that is licensed or
13 regulated by the State Department of Health.

14 (b) "Public conveyance" means buses, taxis, trains,
15 trolleys, boats and other means of public transit when used for
16 public conveyance.

17 SECTION 2. (1) Smoking is prohibited in all health care
18 facilities and public conveyances in the State of Mississippi

19 SECTION 3. (1) Every place where smoking is prohibited by
20 this act shall have posted at every entrance a conspicuous sign
21 clearly stating that smoking is prohibited.

22 (2) All ashtrays and other smoking paraphernalia shall be
23 removed from any area where smoking is prohibited by this act by
24 the owner, operator, manager or other person having control of
25 that area.

26 SECTION 4. The State Board of Health shall adopt and
27 promulgate regulations and penalties regarding the violations of
28 this act not later than ninety (90) days after the effective date
29 of this act.

30 SECTION 5. Section 29-5-161, Mississippi Code of 1972, is

31 amended as follows:

32 29-5-161. (1) As used in this section:

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

37 (b) "Government building" means the New State Capitol
38 Building, the Woolfolk State Office Building, the Carroll Gartin
39 Justice Building, the Walter Sillers Office Building, the Heber
40 Ladner Building, the Department of Transportation Building, the
41 Robert E. Lee Office Building, the 301 Lamar Street Building, the
42 State Board of Health Building, the Public Employees' Retirement
43 System Building, the Central High Building, the Court of Appeals
44 Building, the War Veterans' Memorial Building, the State Archives
45 Building, the Ike Sanford Veterans Affairs Building, the Old State
46 Capitol Building, the Burroughs Building, the Mayfair Building,
47 101 Capitol Centre and any other facility in the state that is
48 owned or leased by the State of Mississippi or any agency,
49 department or institution of the state and that is used for
50 housing state employees during the time of performance of their
51 regular duties for the state; any building owned, rented, leased,
52 occupied or operated by the state, including the legislative,
53 executive and judicial branches of state government; any county,
54 municipality or any other political subdivision of the state; any
55 public authority, commission, agency or public benefit
56 corporation; or any other separate corporate instrumentality or
57 unit of state or local government. If only part of a facility is
58 leased by the state or an agency, department or institution of the
59 state, or any county, municipality or other political subdivision
60 of the state, only the leased part of the facility will be
61 considered to be a government building for the purposes of this
62 definition.

63 * * *

64 (2) No person shall smoke in any government building * * *.

65 * * *

66 (3) The person, agency or entity having jurisdiction or
67 supervision over a government building shall not allow smoking in
68 the government building, * * * and shall use reasonable efforts to
69 prevent smoking in the government building, * * * including, but
70 not limited to, the following:

71 (a) Posting appropriate signs informing public
72 employees, invitees, guests and other persons that smoking is
73 prohibited in the government building * * *.

74 (b) Securing the removal of persons who smoke in the
75 government building * * *.

76 (4) This section expressly preempts to the state the
77 regulation of smoking in government buildings and supersedes any
78 municipal or county ordinance on the subject.

79 **SECTION 6.** This act shall take effect and be in force from
80 and after its passage.

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

1 AN ACT TO PROHIBIT SMOKING IN GOVERNMENT BUILDINGS, HEALTH
2 CARE FACILITIES AND PUBLIC CONVEYANCES IN THE STATE OF
3 MISSISSIPPI; TO PROVIDE FOR THE POSTING OF NO SMOKING SIGNS; TO
4 DIRECT THE STATE BOARD OF HEALTH TO ADOPT REGULATIONS AND
5 PENALTIES REGARDING VIOLATIONS OF THIS ACT; TO AMEND SECTION
6 29-5-161, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THERE SHALL BE
7 NO DESIGNATED SMOKING AREAS IN STATE OFFICE BUILDINGS AND TO
8 PROVIDE THAT SMOKING PROHIBITIONS APPLY TO ANY GOVERNMENT
9 BUILDING; AND FOR RELATED PURPOSES.