

By: Representative Mayo

To: Public Health and Human  
Services

## HOUSE BILL NO. 228

1 AN ACT TO CREATE THE MISSISSIPPI SMOKE FREE FAMILY RESTAURANT  
2 ACT; TO PROVIDE DEFINITIONS OF CERTAIN TERMS; TO PROHIBIT SMOKING  
3 IN ALL FAMILY RESTAURANTS IN THE STATE OF MISSISSIPPI; TO ALLOW  
4 SMOKING IN BARS THAT ARE PART OF FAMILY RESTAURANTS IF THE BARS  
5 ARE CLOSED OFF TO THE MAIN SEATING AREA OF THE RESTAURANT WITH  
6 DOORS OR FULL WALLS; TO PROVIDE FOR THE POSTING OF NO SMOKING  
7 SIGNS AT FAMILY RESTAURANTS; TO DIRECT THE STATE BOARD OF HEALTH  
8 TO ADOPT REGULATIONS AND PENALTIES REGARDING VIOLATIONS OF THIS  
9 ACT; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** This act shall be known and may be cited as the  
12 "Mississippi Smoke Free Family Restaurant Act."

13 **SECTION 2.** As used in this act, the following words and  
14 phrases shall have the meanings ascribed in this section, unless  
15 the context clearly indicates otherwise:

16 (a) "Bar" means an area that is devoted to the serving  
17 of alcoholic beverages for consumption by guests on the premises,  
18 in which the serving of food is only incidental to the consumption  
19 of those beverages.

20 (b) "Enclosed" means enclosed on all sides by solid  
21 walls or windows, excluding doors or passageways, that extend from  
22 the floor to the ceiling.

23 (c) "Family restaurant" means any indoor or enclosed  
24 eating establishment that gives or offers for sale food to the  
25 public and allows persons under eighteen (18) years of age to  
26 enter and be served.

27 (d) "Smoking" means inhaling, exhaling, burning,  
28 carrying or otherwise possessing any lighted cigarette, cigar,  
29 pipe or any other object or device of any form that contains  
30 lighted tobacco or any other smoking product.

31           **SECTION 3.** (1) Smoking is prohibited in all family  
32 restaurants in the State of Mississippi.

33           (2) Notwithstanding the provision of subsection (1) of this  
34 section:

35                   (a) A family restaurant is not subject to the smoking  
36 restrictions of this act while the entire restaurant is being used  
37 for a private function.

38                   (b) A bar that is part of a family restaurant is not  
39 subject to the smoking restrictions of this act if the bar is a  
40 separate enclosed area that is closed off to the main seating area  
41 of the restaurant with doors or full walls, and tobacco smoke from  
42 the bar cannot filter into the main seating area of the restaurant  
43 through a ventilation system.

44           (3) Every family restaurant shall have posted at every  
45 entrance a conspicuous sign clearly stating that smoking is  
46 prohibited in the restaurant.

47           **SECTION 4.** The State Board of Health shall adopt and  
48 promulgate regulations and penalties regarding the violations of  
49 this act not later than ninety (90) days after the effective date  
50 of this act.

51           **SECTION 5.** This act shall not be interpreted or construed to  
52 prohibit any municipality or county from adopting ordinances with  
53 regard to smoking in restaurants or other public places.

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