

By: Senator(s) King, Nunnelee

To: Public Health and Welfare

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2643

1 AN ACT TO AMEND SECTION 29-5-161, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT THE UNIVERSITY OF MISSISSIPPI MEDICAL CENTER SHALL
3 NOT BE REQUIRED TO DESIGNATE SMOKING AREAS WITHIN A CERTAIN
4 DISTANCE FROM ITS BUILDINGS OR ITS CAMPUS; AND FOR RELATED
5 PURPOSES.

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

7 **SECTION 1.** Section 29-5-161, Mississippi Code of 1972, is
8 amended as follows:

9 29-5-161. (1) As used in this section:

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

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

29 leased by the state or an agency, department or institution of the
30 state, only the leased part of the facility will be considered to
31 be a state office building for the purposes of this definition.

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

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

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

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

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

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

49 (c) Make every reasonable effort to prevent designated
50 smoking areas from impinging upon nonsmoking areas by the use of
51 existing physical barriers and ventilation systems. However, the
52 Mississippi Department of Archives and History shall not be
53 required to designate smoking areas in any building under its
54 jurisdiction, and the University of Mississippi Medical Center
55 shall not be required to designate smoking areas less than one
56 hundred (100) feet from any building or from the campus under its
57 jurisdiction.

58 (4) The person, agency or entity having jurisdiction or
59 supervision over a state office building shall not allow smoking
60 in the state office building, except in designated smoking areas,
61 and shall use reasonable efforts to prevent smoking in the state

62 office building, except in designated smoking areas, including,
63 but not limited to, the following:

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

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

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

73 **SECTION 2.** This act shall take effect and be in force from
74 and after July 1, 2005.