

By: Senator(s) King, Nunnelee

To: Public Health and Welfare

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 IN ITS BUILDINGS OR ON  
4 ITS CAMPUS; AND FOR RELATED PURPOSES.

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

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

8 29-5-161. (1) As used in this section:

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

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

29 state, only the leased part of the facility will be considered to  
30 be a state office building for the purposes of this definition.

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

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

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

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

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

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

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

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

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

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

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

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