

By: Representative Fleming

To: Conservation and Water Resources

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 123

1 AN ACT TO CREATE THE MISSISSIPPI CLEAN INDOOR AIR ACT; TO
2 PROVIDE DEFINITIONS OF CERTAIN TERMS; TO PROHIBIT SMOKING IN ALL
3 GOVERNMENT BUILDINGS IN THE STATE OF MISSISSIPPI; TO PROVIDE THAT
4 ALL STATE, COUNTY AND MUNICIPAL LICENSING OR REGULATORY AGENCIES
5 SHALL ENFORCE THIS ACT; TO PROVIDE THAT A PERSON OR AN EMPLOYER
6 SHALL NOT DISCHARGE, REFUSE TO HIRE OR IN ANY MANNER RETALIATE
7 AGAINST ANY EMPLOYEE, APPLICANT FOR EMPLOYMENT OR CUSTOMER BECAUSE
8 THAT PERSON EXERCISES ANY RIGHT UNDER THIS ACT; AND FOR RELATED
9 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 Clean Indoor Air Act."

13 **SECTION 2.** (1) The State of Mississippi finds that numerous
14 studies have found that tobacco smoke is a major contributor to
15 indoor air pollution, and that breathing secondhand smoke is a
16 cause of disease, including lung cancer, in nonsmokers. At
17 special risk are children, elderly people, individuals with
18 cardiovascular disease and individuals with impaired respiratory
19 function, including asthmatics and those with obstructive airway
20 disease.

21 (2) Health hazards induced by breathing secondhand smoke
22 include lung cancer, heart disease, respiratory infection and
23 decreased respiratory function, including bronchoconstriction and
24 bronchospasm.

25 (3) Accordingly, the State of Mississippi finds and declares
26 that the purposes of this act are:

27 (a) To protect the public health and welfare by
28 prohibiting smoking in governmental buildings;

29 (b) To guarantee the right of nonsmokers to breathe
30 smoke-free air in governmental buildings; and

31 (c) To recognize that the need to breathe smoke-free
32 air shall have priority over the desire to smoke in governmental
33 buildings.

34 **SECTION 3.** The following words and phrases shall have the
35 meanings as defined in this section unless the context clearly
36 indicates otherwise:

37 (a) "Government building" means any building owned,
38 rented, leased, occupied or operated by any county, municipality
39 or any other political subdivision of the state; any public
40 authority, commission, agency or public benefit corporation; or
41 any other separate corporate instrumentality or unit of state or
42 local government. The term "government building" does not include
43 state office buildings as defined in Section 29-5-161.

44 (b) "Smoking" means inhaling, exhaling, burning,
45 carrying or otherwise possessing any lighted cigarette, cigar,
46 pipe or any other object or device of any form that contains
47 lighted tobacco or any other smoking product.

48 **SECTION 4.** Smoking is prohibited in all government buildings
49 in the State of Mississippi. However, any county, municipality or
50 any other political subdivision of the state; any public
51 authority, commission, agency or public benefit corporation or any
52 other separate corporate instrumentality or unit of state or local
53 government may designate areas for smoking within a government
54 building under the jurisdiction of that governing authority.

55 **SECTION 5.** (1) Every government building where smoking is
56 prohibited by this act shall have posted at every entrance a
57 conspicuous sign clearly stating that smoking is prohibited.

58 (2) All ashtrays and other smoking paraphernalia shall be
59 removed from any area where smoking is prohibited by this act by
60 the owner, operator, manager or other person having control of the
61 area.

62 **SECTION 6.** (1) This act shall be enforced by all state,
63 county and municipal licensing or regulatory agencies.

64 (2) Any state, county or municipal licensing or regulatory
65 agency may adopt all regulations necessary to enforce the
66 provisions of this act.

67 **SECTION 7.** A person or employer shall not discharge, refuse
68 to hire or in any manner retaliate against any employee, applicant
69 for employment or customer because the employee, applicant or
70 customer exercises any right to a smoke-free environment afforded
71 by this act.

72 **SECTION 8.** This act shall not be interpreted or construed to
73 permit smoking where it is otherwise restricted by other
74 applicable laws.

75 **SECTION 9.** This act shall take effect and be in force from
76 and after its passage.