

By: Representative Fleming

To: Conservation and Water Resources

HOUSE BILL NO. 123  
(As Sent to Governor)

1 AN ACT TO CREATE THE "MISSISSIPPI CLEAN INDOOR AIR ACT"; TO  
2 AMEND SECTION 29-5-161, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT  
3 THERE SHALL BE NO DESIGNATED SMOKING AREAS IN STATE OFFICE  
4 BUILDINGS AND TO PROVIDE THAT SMOKING PROHIBITIONS APPLY TO ANY  
5 STATE, COUNTY OR MUNICIPAL GOVERNMENT BUILDING, AND THAT SMOKING  
6 PROHIBITIONS APPLY TO PUBLIC UNIVERSITY AND COLLEGE CLASSROOM  
7 BUILDINGS; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** This act shall be known and may be cited as the  
10 "Mississippi Clean Indoor Air Act."

11 **SECTION 2.** Section 29-5-161, Mississippi Code of 1972, is  
12 amended as follows:

13 29-5-161. (1) As used in this section:

14 (a) "Smoke" or "smoking" means inhaling, exhaling,  
15 burning, carrying or otherwise possessing any lighted cigarette,  
16 cigar, pipe or any other object or device of any form that  
17 contains lighted tobacco \* \* \*.

18 (b) "Government building" means the New State Capitol  
19 Building, the Woolfolk State Office Building, the Carroll Gartin  
20 Justice Building, the Walter Sillers Office Building, the Heber  
21 Ladner Building, the Department of Transportation Building, the  
22 Robert E. Lee Office Building, the Robert G. Clark, Jr., Building,  
23 the State Board of Health Building, the Public Employees'  
24 Retirement System Building, the Central High Building, the Court  
25 of Appeals Building, the War Veterans' Memorial Building, the  
26 State Archives Building, the Ike Sanford Veterans Affairs  
27 Building, the Old State Capitol Building, the Burroughs Building,  
28 the Mayfair Building, 101 Capitol Centre and any other facility in  
29 the state that is owned or leased by the State of Mississippi or

30 any agency, department or institution of the state and that is  
31 used for housing state employees during the time of performance of  
32 their regular duties for the state; any building owned, rented,  
33 leased, occupied or operated by the state, including the  
34 legislative, executive and judicial branches of state government;  
35 any county, municipality or any other political subdivision of the  
36 state; any public authority, commission, agency or public benefit  
37 corporation; or any other separate corporate instrumentality or  
38 unit of state or local government. If only part of a facility is  
39 leased by the state or an agency, department or institution of the  
40 state, or any county, municipality or other political subdivision  
41 of the state, only the leased part of the facility will be  
42 considered to be a government building for the purposes of this  
43 definition. The term "government building" shall not include any  
44 building owned or leased by the state institutions of higher  
45 learning or the public community and junior colleges or any space  
46 in a government building used by law enforcement officers.

47 (c) "University or college classroom building" means  
48 any building used by the state institutions of higher learning or  
49 the public community and junior colleges exclusively for student  
50 instructional purposes. The term includes classrooms,  
51 auditoriums, theaters, laboratories, hallways and restrooms.  
52 Smoking policies applicable in the private offices of faculty and  
53 staff and other "smoking permitted" space may be determined by  
54 each academic and administrative department.

55 \* \* \*

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

57 (3) No person shall smoke in any university or college  
58 classroom building.

59 (4) The person, agency or entity having jurisdiction or  
60 supervision over a government building or university/college  
61 classroom building shall not allow smoking in the government or  
62 university/college classroom building, \* \* \* and shall use

63 reasonable efforts to prevent smoking in such building, \* \* \*  
64 including, but not limited to, the following:

65 (a) Posting appropriate signs informing employees,  
66 invitees, guests and other persons that smoking is prohibited in  
67 the building \* \* \*.

68 (b) Securing the removal of persons who smoke in  
69 the \* \* \* building \* \* \*.

70 \* \* \*

71 **SECTION 3.** This act shall not be interpreted or construed to  
72 permit smoking where it is otherwise restricted by other  
73 applicable laws or to prohibit any municipality or county from  
74 adopting additional ordinances with regard to the use of smoking  
75 in public places.

76 **SECTION 4.** This act shall take effect and be in force from  
77 and after July 1, 2006.