

By: Representative Mayo

To: Public Health and Human
Services

HOUSE BILL NO. 351

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.