

By: Representative Bondurant

To: Public Health and Human Services

HOUSE BILL NO. 848

1 AN ACT TO PROHIBIT SMOKING IN ANY INDOOR OR OUTDOOR PUBLIC
2 FACILITY IN MISSISSIPPI DURING ANY TIME THAT PERSONS UNDER
3 EIGHTEEN YEARS OF AGE ARE ENGAGED IN AN ORGANIZED ATHLETIC EVENT
4 IN THE FACILITY; TO PROVIDE THAT THE PERSON, AGENCY OR ENTITY
5 HAVING JURISDICTION OR SUPERVISION OVER A PUBLIC FACILITY SHALL
6 NOT ALLOW SMOKING IN THE FACILITY IN VIOLATION OF THIS ACT, AND
7 SHALL USE REASONABLE EFFORTS TO PREVENT SUCH SMOKING IN THE
8 FACILITY; TO PROVIDE FOR CIVIL FINES FOR VIOLATIONS OF THIS ACT;
9 AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** (1) As used in this section, the term "smoke" or
12 "smoking" means inhaling, exhaling, burning, carrying or otherwise
13 possessing any lighted cigarette, cigar, pipe or any other object
14 or device of any form that contains lighted tobacco or any other
15 smoking product.

16 (2) No person shall smoke in any indoor or outdoor public
17 facility in Mississippi during any time that persons under
18 eighteen (18) years of age are engaged in an organized athletic
19 event in the facility.

20 (3) The person, agency or entity having jurisdiction or
21 supervision over a public facility shall not allow smoking in the
22 facility in violation of this section, and shall use reasonable
23 efforts to prevent such smoking in the facility, including, but
24 not limited to, the following:

25 (a) Posting appropriate signs informing persons that
26 such smoking is prohibited in the public facility.

27 (b) Securing the removal of persons who smoke in the
28 public facility in violation of this section.

29 (4) Any person who violates this section shall be subject to
30 a fine and shall be liable as follows:

- 31 (a) For a first conviction, a warning;
- 32 (b) For a second conviction, a fine of Seventy-five
- 33 Dollars (\$75.00); and
- 34 (c) For all subsequent convictions, a fine not to
- 35 exceed One Hundred Fifty Dollars (\$150.00).

36 Anyone convicted under this section shall be recorded as

37 being fined for a civil violation of this section and not for

38 violating a criminal statute.

39 (5) It is the responsibility of all law enforcement officers

40 and law enforcement agencies of this state to ensure that the

41 provisions of this section are enforced.

42 (6) If the actions of a person violate both this section and

43 Section 97-32-29, the person shall be liable only under this

44 section or Section 97-32-29, but not under both sections.

45 **SECTION 2.** This act shall take effect and be in force from

46 and after July 1, 2006.