

By: Representative Bentz

To: Public Health and Human
Services

HOUSE BILL NO. 1392

1 AN ACT TO CREATE THE MISSISSIPPI SMOKE FREE RESTAURANT ACT;
2 TO PROVIDE DEFINITIONS OF CERTAIN TERMS; TO PROHIBIT SMOKING IN
3 ALL RESTAURANTS IN THE STATE OF MISSISSIPPI; TO PROVIDE FOR
4 EXCEPTIONS TO THE SMOKING RESTRICTIONS FOR CERTAIN FACILITIES; TO
5 PROVIDE FOR THE POSTING OF NO SMOKING SIGNS AT RESTAURANTS; TO
6 DIRECT THE STATE BOARD OF HEALTH TO ADOPT REGULATIONS AND
7 PENALTIES REGARDING VIOLATIONS OF THIS ACT; AND FOR RELATED
8 PURPOSES.

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

10 **SECTION 1.** This act shall be known and may be cited as the
11 "Mississippi Smoke Free Restaurant Act."

12 **SECTION 2.** As used in this act, the following words and
13 phrases shall have the meanings provided in this section, unless
14 the context clearly indicates otherwise:

15 (a) "Bar" means an area that is devoted to the serving
16 of alcoholic beverages for consumption by guests on the premises,
17 in which the serving of food is only incidental to the consumption
18 of those beverages.

19 (b) "Enclosed" means enclosed on all sides by solid
20 walls or windows, excluding doors or passageways, that extend from
21 the floor to the ceiling.

22 (c) "Restaurant" means any indoor or enclosed eating
23 establishment that gives or offers for sale food to the public.

24 (d) "Smoking" means inhaling, exhaling, burning,
25 carrying or otherwise possessing any lighted cigarette, cigar,
26 pipe or any other object or device of any form that contains
27 lighted tobacco or any other smoking product.

28 **SECTION 3.** (1) Smoking is prohibited in all restaurants in
29 the State of Mississippi.

30 (2) Notwithstanding the provision of subsection (1) of this
31 section, the following are not subject to the smoking restrictions
32 of this act:

33 (a) A restaurant while the entire restaurant is being
34 used for a private function.

35 (b) A bar that is not part of a restaurant.

36 (c) A bar that is part of a restaurant if the bar is a
37 separate enclosed area that is closed off to the main seating area
38 of the restaurant with doors or full walls, and tobacco smoke from
39 the bar cannot filter into the main seating area of the restaurant
40 through a ventilation system.

41 (d) A restaurant or bar located on the premises of any
42 facility licensed by the Mississippi Gaming Commission.

43 (3) Every restaurant shall have posted at every entrance a
44 conspicuous sign clearly stating that smoking is prohibited in the
45 restaurant.

46 **SECTION 4.** The State Board of Health shall adopt and
47 promulgate regulations and penalties regarding the violations of
48 this act not later than ninety (90) days after the effective date
49 of this act.

50 **SECTION 5.** This act shall not be interpreted or construed to
51 prohibit any municipality or county from adopting ordinances with
52 regard to smoking in restaurants or other public places.

53 **SECTION 6.** This act shall take effect and be in force from
54 and after July 1, 2006.