Senate Amendments to House Bill No. 123

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

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

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

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

(b) "Government building" means the New State Capitol Building, the Woolfolk State Office Building, the Carroll Gartin Justice Building, the Walter Sillers Office Building, the Heber Ladner Building, the Department of Transportation Building, the Robert E. Lee Office Building, the Robert G. Clark, Jr., Building, the State Board of Health Building, the Public Employees' Retirement System Building, the Central High Building, the Court of Appeals Building, the War Veterans' Memorial Building, the State Archives Building, the Ike Sanford Veterans Affairs Building, the Old State Capitol Building, the Burroughs Building, the Mayfair Building, 101 Capitol Centre and any other facility in the state that is owned or leased by the State of Mississippi or any agency, department or institution of the state and that is used for housing state employees during the time of performance of their regular duties for the state; any building owned, rented, leased, occupied or operated by the state, including the legislative, executive and judicial branches of state government;
any county, municipality or any other political subdivision of the
state; any public authority, commission, agency or public benefit
corporation; or any other separate corporate instrumentality or
unit of state or local government. If only part of a facility is
leased by the state or an agency, department or institution of the
state, or any county, municipality or other political subdivision
of the state, only the leased part of the facility will be
considered to be a government building for the purposes of this
definition. The term "government building" shall not include any
building owned or leased by the state institutions of higher
learning or the public community and junior colleges or any space
in a government building used by law enforcement officers.

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

(2) No person shall smoke in any government building * * *.
(3) No person shall smoke in any university or college
classroom building.

(4) The person, agency or entity having jurisdiction or
supervision over a government building or university/college
classroom building shall not allow smoking in the government or
university/college classroom building, * * * and shall use
reasonable efforts to prevent smoking in such building, * * *
including, but not limited to, the following:
(a) Posting appropriate signs informing employees,
invitees, guests and other persons that smoking is prohibited in
the building * * *.
(b) Securing the removal of persons who smoke in
the * * * building * * *.

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

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

Further, amend by striking the title in its entirety and inserting in lieu thereof the following:

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

John O. Gilbert
Secretary of the Senate