To: Public Health and Human Services

MISSISSIPPI LEGISLATURE
REGULAR SESSION 2007
By: Representative Mayo

HOUSE BILL NO. 315

AN ACT TO CREATE THE MISSISSIPPI SMOKE FREE FAMILY RESTAURANT ACT; TO PROVIDE DEFINITIONS OF CERTAIN TERMS; TO PROHIBIT SMOKING IN ALL FAMILY RESTAURANTS IN THE STATE OF MISSISSIPPI; TO ALLOW SMOKING IN BARS THAT ARE PART OF FAMILY RESTAURANTS IF THE BARS ARE CLOSED OFF TO THE MAIN SEATING AREA OF THE RESTAURANT WITH DOORS OR FULL WALLS; TO PROVIDE FOR THE POSTING OF NO SMOKING SIGNS AT FAMILY RESTAURANTS; TO DIRECT THE STATE BOARD OF HEALTH TO ADOPT REGULATIONS AND PENALTIES REGARDING VIOLATIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

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

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

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

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

(c) "Family restaurant" means any indoor or enclosed eating establishment that gives or offers for sale food to the public and allows persons under eighteen (18) years of age to enter and be served.

(d) "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 or any other smoking product.
SECTION 3. (1) Smoking is prohibited in all family restaurants in the State of Mississippi.

(2) Notwithstanding the provision of subsection (1) of this section:

(a) A family restaurant is not subject to the smoking restrictions of this act while the entire restaurant is being used for a private function.

(b) A bar that is part of a family restaurant is not subject to the smoking restrictions of this act if the bar is a separate enclosed area that is closed off to the main seating area of the restaurant with doors or full walls, and tobacco smoke from the bar cannot filter into the main seating area of the restaurant through a ventilation system.

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

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

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

SECTION 6. This act shall take effect and be in force from and after its passage.