To: Public Health and Human Services

MISSISSIPPI LEGISLATURE  
REGULAR SESSION 2007  

By: Representative Bondurant  

HOUSE BILL NO. 901

To prohibit smoking in any indoor or outdoor public facility in Mississippi during any time that persons under eighteen years of age are engaged in an organized athletic event in the facility; to provide that the person, agency or entity having jurisdiction or supervision over a public facility shall not allow smoking in the facility in violation of this act, shall use reasonable efforts to prevent such smoking in the facility, and shall designate a separate area to which smoking shall be restricted; to provide for civil fines for violations of this act; and for related purposes.

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

SECTION 1. (1) As used in this section, the term "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 or any other smoking product.

(2) No person shall smoke in any indoor or outdoor public facility in Mississippi during any time that persons under eighteen (18) years of age are engaged in an organized athletic event in the facility, except as permitted under subsection (3)(c) of this section.

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

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

(b) Securing the removal of persons who smoke in the public facility in violation of this section.
ST: Smoking; prohibit in public facility when youth are engaged in organized athletic event in facility.

(c) Providing a designated area separate from the fields of activity, to which smoking shall be restricted.

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

(a) For a first conviction, a warning;

(b) For a second conviction, a fine of Seventy-five Dollars ($75.00); and

(c) For all subsequent convictions, a fine not to exceed One Hundred Fifty Dollars ($150.00).

Anyone convicted under this section shall be recorded as being fined for a civil violation of this section and not for violating a criminal statute.

(5) It is the responsibility of all law enforcement officers and law enforcement agencies of this state to ensure that the provisions of this section are enforced.

(6) If the actions of a person violate both this section and Section 97-32-29, the person shall be liable only under this section or Section 97-32-29, but not under both sections.

SECTION 2. This act shall take effect and be in force from and after July 1, 2007.