

By: Representatives Rogers (61st), Baker (74th), Jennings, Markham, Smith (59th), Weathersby

To: Military Affairs

HOUSE BILL NO. 1090

1 AN ACT TO AMEND SECTION 29-5-161, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE THE STATE VETERANS AFFAIRS BOARD TO DESIGNATE SMOKING  
3 AREAS IN THE STATE VETERANS HOMES IN WHICH SMOKING WILL BE  
4 PERMITTED; AND FOR RELATED PURPOSES.

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

6 SECTION 1. Section 29-5-161, Mississippi Code of 1972, is  
7 amended as follows:

8 29-5-161. (1) As used in this section:

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

13 (b) "Government building" means the New State Capitol  
14 Building, the Woolfolk State Office Building, the Carroll Gartin  
15 Justice Building, the Walter Sillers Office Building, the Heber  
16 Ladner Building, the Department of Transportation Building, the  
17 Robert E. Lee Office Building, the Robert G. Clark, Jr. Building,  
18 the State Board of Health Building, the Public Employees'  
19 Retirement System Building, the Central High Building, the Court  
20 of Appeals Building, the War Veterans' Memorial Building, the  
21 State Archives Building, the Ike Sanford Veterans Affairs  
22 Building, the Old State Capitol Building, the Burroughs Building,  
23 the Mayfair Building, 101 Capitol Centre and any other facility in  
24 the state that is owned or leased by the State of Mississippi or  
25 any agency, department or institution of the state and that is  
26 used for housing state employees during the time of performance of  
27 their regular duties for the state; any building owned, rented,  
28 leased, occupied or operated by the state, including the

29 legislative, executive and judicial branches of state government;  
30 any county, municipality or any other political subdivision of the  
31 state; any public authority, commission, agency or public benefit  
32 corporation; or any other separate corporate instrumentality or  
33 unit of state or local government. If only part of a facility is  
34 leased by the state or an agency, department or institution of the  
35 state, or any county, municipality or other political subdivision  
36 of the state, only the leased part of the facility will be  
37 considered to be a government building for the purposes of this  
38 definition. The term "government building" shall not include any  
39 building owned or leased by the state institutions of higher  
40 learning or the public community and junior colleges or any space  
41 in a government building used by law enforcement officers.

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

50 (2) No person shall smoke in any government building, except  
51 as follows: The State Veterans Affairs Board may designate  
52 smoking areas in the state veterans homes operated by the board in  
53 which smoking will be permitted.

54 (3) No person shall smoke in any university or college  
55 classroom building.

56 (4) The person, agency or entity having jurisdiction or  
57 supervision over a government building or university/college  
58 classroom building shall not allow smoking in the government or  
59 university/college classroom building, except in designated  
60 smoking areas as authorized in subsection (2) of this section, and

61 shall use reasonable efforts to prevent smoking in such building,  
62 including, but not limited to, the following:

63           (a) Posting appropriate signs informing employees,  
64 invitees, guests and other persons that smoking is prohibited in  
65 the building.

66           (b) Securing the removal of persons who smoke in the  
67 building.

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