

By: Senator(s) Carmichael

To: Public Health and  
Welfare

SENATE BILL NO. 2664

1 AN ACT TO AMEND SECTION 29-5-161, MISSISSIPPI CODE OF 1972,  
2 TO EXEMPT THE STATE VETERANS HOMES FROM THE PROHIBITION ON SMOKING  
3 IN GOVERNMENT AND UNIVERSITY CLASSROOM BUILDINGS; AND FOR RELATED  
4 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 the  
39 state veterans homes, any building owned or leased by the state  
40 institutions of higher learning or the public community and junior  
41 colleges, or any space in a government building used by law  
42 enforcement officers.

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

51 (2) No person shall smoke in any government building.

52 (3) No person shall smoke in any university or college  
53 classroom building.

54 (4) The person, agency or entity having jurisdiction or  
55 supervision over a government building or university/college  
56 classroom building shall not allow smoking in the government or  
57 university/college classroom building, and shall use reasonable  
58 efforts to prevent smoking in such building, including, but not  
59 limited to, the following:

60                   (a) Posting appropriate signs informing employees,  
61 invitees, guests and other persons that smoking is prohibited in  
62 the building.

63                   (b) Securing the removal of persons who smoke in the  
64 building.

65           **SECTION 2.** This act shall take effect and be in force from  
66 and after its passage.