

By: Representative Mayo

To: Public Health and Human
Services

HOUSE BILL NO. 184

1 AN ACT TO CREATE THE MISSISSIPPI SMOKE-FREE AIR ACT OF 2009;
2 TO EXPRESS CERTAIN LEGISLATIVE FINDINGS REGARDING THE EFFECTS OF
3 SECONDHAND SMOKE AND OTHER RISKS OF SMOKING; TO DEFINE CERTAIN
4 TERMS; TO PROHIBIT SMOKING IN ALL ENCLOSED PUBLIC PLACES IN THE
5 STATE, IN ALL ENCLOSED FACILITIES WITHIN PLACES OF EMPLOYMENT, IN
6 CERTAIN ENCLOSED RESIDENTIAL FACILITIES, AND IN CERTAIN OUTDOOR
7 PLACES; TO PROVIDE FOR CERTAIN EXEMPTIONS FROM THE PROHIBITIONS ON
8 SMOKING IN THIS ACT; TO PROVIDE THAT "NO SMOKING" SIGNS SHALL BE
9 POSTED IN EVERY PLACE WHERE SMOKING IS PROHIBITED BY THIS ACT; TO
10 PROVIDE THAT NO ACTION MAY BE TAKEN AGAINST EMPLOYEES WHO EXERCISE
11 ANY RIGHTS AFFORDED BY THIS ACT; TO DIRECT THE STATE DEPARTMENT OF
12 HEALTH TO ADOPT RULES AND REGULATIONS AS NECESSARY TO IMPLEMENT
13 THIS ACT; TO PROVIDE THAT THIS ACT SHALL BE ENFORCED BY LOCAL
14 HEALTH DEPARTMENTS, CITY MANAGERS OR ADMINISTRATORS AND COUNTY
15 ADMINISTRATORS; TO AUTHORIZE PRIVATE CITIZENS TO BRING LEGAL
16 ACTIONS TO ENFORCE THIS ACT; TO PROVIDE PENALTIES FOR VIOLATIONS
17 OF THIS ACT; TO ALLOW POLITICAL SUBDIVISIONS TO ADOPT LOCAL
18 ORDINANCES RELATING TO SMOKING THAT ARE MORE RESTRICTIVE THAN THIS
19 ACT; TO REPEAL SECTIONS 29-5-160 THROUGH 29-5-163, MISSISSIPPI
20 CODE OF 1972, WHICH ARE THE MISSISSIPPI CLEAN INDOOR AIR ACT, AND
21 SECTIONS 97-32-25 THROUGH 97-32-29, MISSISSIPPI CODE OF 1972,
22 WHICH ARE THE MISSISSIPPI ADULT TOBACCO USE ON EDUCATIONAL
23 PROPERTY ACT; AND FOR RELATED PURPOSES.

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

25 **SECTION 1.** This act shall be known as the Mississippi
26 Smoke-free Air Act of 2009.

27 **SECTION 2.** (1) The Legislature finds that:

28 (a) The 2006 United States Surgeon General's Report,
29 *The Health Consequences of Involuntary Exposure to Tobacco Smoke*,
30 has concluded that:

31 (i) Secondhand smoke exposure causes disease and
32 premature death in children and adults who do not smoke;

33 (ii) Children exposed to secondhand smoke are at
34 an increased risk for sudden infant death syndrome (SIDS), acute
35 respiratory problems, ear infections, and asthma attacks, and



36 smoking by parents causes respiratory symptoms and slows lung
37 growth in their children;

38 (iii) Exposure of adults to secondhand smoke has
39 immediate adverse effects on the cardiovascular system and causes
40 coronary heart disease and lung cancer;

41 (iv) There is no risk-free level of exposure to
42 secondhand smoke;

43 (v) Establishing smoke-free workplaces is the only
44 effective way to ensure that secondhand smoke exposure does not
45 occur in the workplace, because ventilation and other air cleaning
46 technologies cannot completely control for exposure of nonsmokers
47 to secondhand smoke; and

48 (vi) Evidence from peer-reviewed studies shows
49 that smoke-free policies and laws do not have an adverse economic
50 impact on the hospitality industry.

51 (b) Numerous studies have found that tobacco smoke is a
52 major contributor to indoor air pollution, and that breathing
53 secondhand smoke (also known as environmental tobacco smoke) is a
54 cause of disease in healthy nonsmokers, including heart disease,
55 stroke, respiratory disease, and lung cancer. The National Cancer
56 Institute determined in 1999 that secondhand smoke is responsible
57 for the early deaths of approximately fifty-three thousand
58 (53,000) Americans annually.

59 (c) The Public Health Service's National Toxicology
60 Program (NTP) has listed secondhand smoke as a known carcinogen.

61 (d) Based on a finding by the California Environmental
62 Protection Agency in 2005, the California Air Resources Board has
63 determined that secondhand smoke is a toxic air contaminant,
64 finding that exposure to secondhand smoke has serious health
65 effects, including low birth-weight babies; sudden infant death
66 syndrome (SIDS); increased respiratory infections in children;
67 asthma in children and adults; lung cancer, sinus cancer, and



68 breast cancer in younger, premenopausal women; heart disease; and
69 death.

70 (e) Scientific evidence has firmly established that
71 there is no safe level of exposure to secondhand tobacco smoke, a
72 pollutant that causes serious illness in adults and children.
73 There is also indisputable evidence that implementing one hundred
74 percent (100%) smoke-free environments is the only effective way
75 to protect the population from the harmful effects of exposure to
76 secondhand smoke.

77 (f) A study of hospital admissions for acute myocardial
78 infarction in Helena, Montana, before, during, and after a local
79 law eliminating smoking in workplaces and public places was in
80 effect, has determined that laws to enforce smoke-free workplaces
81 and public places may be associated with a reduction in morbidity
82 from heart disease. Similar studies have been conducted in
83 Bowling Green, Ohio; Monroe County, Indiana; Pueblo, Colorado; New
84 York State; France; Greece; Italy; and Scotland. All of these
85 studies have reached the conclusion that communities see an
86 immediate reduction in heart attack admissions after the
87 implementation of comprehensive smoke-free laws.

88 (g) Secondhand smoke is particularly hazardous to
89 elderly people, individuals with cardiovascular disease, and
90 individuals with impaired respiratory function, including
91 asthmatics and those with obstructive airway disease.

92 (h) The Americans With Disabilities Act, which requires
93 that disabled persons have access to public places and workplaces,
94 deems impaired respiratory function to be a disability.

95 (i) The United States Centers for Disease Control and
96 Prevention has determined that the risk of acute myocardial
97 infarction and coronary heart disease associated with exposure to
98 tobacco smoke is nonlinear at low doses, increasing rapidly with
99 relatively small doses such as those received from secondhand
100 smoke or actively smoking one (1) or two (2) cigarettes a day, and



101 has warned that all patients at increased risk of coronary heart
102 disease or with known coronary artery disease should avoid all
103 indoor environments that permit smoking.

104 (j) Given the fact that there is no safe level of
105 exposure to secondhand smoke, the American Society of Heating,
106 Refrigerating and Air Conditioning Engineers (ASHRAE) bases its
107 ventilation standards on totally smoke-free environments. ASHRAE
108 has determined that there is currently no air filtration or other
109 ventilation technology that can completely eliminate all the
110 carcinogenic components in secondhand smoke and the health risks
111 caused by secondhand smoke exposure, and recommends that indoor
112 environments be smoke free in their entirety.

113 (k) A significant amount of secondhand smoke exposure
114 occurs in the workplace. Employees who work in smoke filled
115 businesses suffer a twenty-five to fifty percent (25-50%) higher
116 risk of heart attack and higher rates of death from cardiovascular
117 disease and cancer, as well as increased acute respiratory disease
118 and measurable decrease in lung function.

119 (l) During periods of active smoking, peak and average
120 outdoor tobacco smoke (OTS) levels measured in outdoor cafes and
121 restaurant and bar patios near smokers rival indoor tobacco smoke
122 concentrations.

123 (m) The Society of Actuaries has determined that
124 secondhand smoke costs the United States economy roughly Ten
125 Billion Dollars (\$10,000,000,000.00) a year: Five Billion Dollars
126 (\$5,000,000,000.00) billion in estimated medical costs associated
127 with secondhand smoke exposure and Four Billion Six Hundred
128 Million (\$4,600,000,000.00) in lost productivity.

129 (n) Numerous economic analyses examining restaurant and
130 hotel receipts and controlling for economic variables have shown
131 either no difference or a positive economic impact after enactment
132 of laws requiring workplaces to be smoke free. Creation of



133 smoke-free workplaces is sound economic policy and provides the
134 maximum level of employee health and safety.

135 (o) Hundreds of communities in the United States, plus
136 numerous states, including California, Delaware, Florida,
137 Massachusetts, Montana, New Jersey, New York, and Washington, have
138 enacted laws requiring workplaces, restaurants, bars, and other
139 public places to be smoke free, as have numerous countries,
140 including Ireland, New Zealand, Norway, Scotland, Sweden, Uganda,
141 and Uruguay.

142 (p) There is no legal or constitutional "right to
143 smoke." Business owners have no legal or constitutional right to
144 expose their employees and customers to the toxic chemicals in
145 secondhand smoke. On the contrary, employers have a common law
146 duty to provide their workers with a workplace that is not
147 unreasonably dangerous.

148 (q) Smoking is a potential cause of fires, and
149 cigarette and cigar burns and ash stains on merchandise and
150 fixtures causes economic damage to businesses.

151 (r) The smoking of tobacco is a form of air pollution,
152 a positive danger to health, and a material public nuisance.

153 (2) Accordingly, the Legislature finds and declares that the
154 purposes of this act are:

155 (a) To protect the public health and welfare by
156 prohibiting smoking in public places and places of employment; and

157 (b) To guarantee the right of nonsmokers to breathe
158 smoke-free air, and to recognize that the need to breathe
159 smoke-free air shall have priority over the desire to smoke.

160 **SECTION 3.** The following words and phrases, whenever used in
161 this act, shall be construed as defined in this section:

162 (a) "Bar" means an establishment that is devoted to the
163 serving of alcoholic beverages for consumption by guests on the
164 premises and in which the serving of food is only incidental to



165 the consumption of those beverages, including, but not limited to,
166 taverns, nightclubs, cocktail lounges, and cabarets.

167 (b) "Business" means a sole proprietorship,
168 partnership, joint venture, corporation, or other business entity,
169 either for-profit or not-for-profit, including, but not limited
170 to, retail establishments where goods or services are sold;
171 professional corporations and other entities where legal, medical,
172 dental, engineering, architectural or other professional services
173 are delivered; and private clubs.

174 (c) "Employee" means a person who is employed by an
175 employer in consideration for direct or indirect monetary wages or
176 profit, and a person who volunteers his or her services for a
177 nonprofit entity.

178 (d) "Employer" means a person, business, partnership,
179 association, corporation, including a municipal corporation,
180 trust, or nonprofit entity that employs the services of one or
181 more individual persons.

182 (e) "Enclosed area" means all space between a floor and
183 ceiling that is enclosed on all sides by permanent or temporary
184 walls or windows (exclusive of doorways), which extend from the
185 floor to the ceiling.

186 (f) "Health care facility" means an office or
187 institution providing care or treatment of diseases, whether
188 physical, mental or emotional, or other medical, physiological, or
189 psychological conditions, including, but not limited to,
190 hospitals, rehabilitation hospitals or other clinics, including
191 weight control clinics, nursing homes, long-term care facilities,
192 homes for the aging or chronically ill, laboratories, and offices
193 of physicians, surgeons, dentists, chiropractors, physical
194 therapists, other health care professionals, and all specialists
195 within these professions. This definition shall include all
196 waiting rooms, hallways, private rooms, semiprivate rooms, and
197 wards within health care facilities.



198 (g) "Place of employment" means an area under the
199 control of a public or private employer that employees normally
200 frequent during the course of employment, including, but not
201 limited to, work areas, private offices, employee lounges,
202 restrooms, conference rooms, meeting rooms, classrooms, employee
203 cafeterias, hallways, and vehicles. A private residence is not a
204 "place of employment" unless it is used as a child care, adult day
205 care, or health care facility.

206 (h) "Private club" means an organization, whether
207 incorporated or not, that is the owner, lessee or occupant of a
208 building or portion thereof used exclusively for club purposes at
209 all times, that is operated solely for a recreational, fraternal,
210 social, patriotic, political, benevolent or athletic purpose, but
211 not for pecuniary gain, and that only sells alcoholic beverages
212 incidental to its operation. The affairs and management of the
213 organization are conducted by a board of directors, executive
214 committee, or similar body chosen by the members at an annual
215 meeting. The organization has established bylaws and/or a
216 constitution to govern its activities. The organization has been
217 granted an exemption from the payment of federal income tax as a
218 club under 26 USCS Section 501.

219 (i) "Public place" means an enclosed area to which the
220 public is invited or in which the public is permitted, including,
221 but not limited to, banks, bars, educational facilities, gaming
222 facilities, health care facilities, hotels and motels,
223 laundromats, public transportation vehicles and facilities,
224 reception areas, restaurants, retail food production and marketing
225 establishments, retail service establishments, retail stores,
226 shopping malls, sports arenas, theaters and waiting rooms. A
227 private club is a "public place" when it is being used for a
228 function to which the general public is invited. A private
229 residence is not a "public place" unless it is used as a child
230 care, adult day care, or health care facility.



231 (j) "Restaurant" means an eating establishment,
232 including, but not limited to, coffee shops, cafeterias, sandwich
233 stands, and private and public school cafeterias, that gives or
234 offers for sale food to the public, guests, or employees, as well
235 as kitchens and catering facilities in which food is prepared on
236 the premises for serving elsewhere. The term "restaurant"
237 includes a bar area within the restaurant.

238 (k) "Service line" means an indoor or outdoor line in
239 which one or more persons are waiting for or receiving service of
240 any kind, whether or not the service involves the exchange of
241 money, including, but not limited to, ATM lines, concert lines,
242 food vendor lines, movie ticket lines, and sporting event lines.

243 (m) "Shopping mall" means an enclosed public walkway or
244 hall area that serves to connect retail or professional
245 establishments.

246 (n) "Smoking" means inhaling, exhaling, burning, or
247 carrying any lighted or heated cigar, cigarette, or pipe in any
248 manner or in any form.

249 (o) "Sports arena" means sports pavilions, stadiums,
250 gymnasiums, health spas, boxing arenas, swimming pools, roller and
251 ice rinks, bowling alleys, and other similar places where members
252 of the general public assemble to engage in physical exercise,
253 participate in athletic competition, or witness sports or other
254 events.

255 **SECTION 4.** All enclosed facilities, including buildings and
256 vehicles owned, leased, or operated by the State of Mississippi or
257 any agency, department, institution or political subdivision of
258 the state shall be subject to the provisions of this act.

259 **SECTION 5.** Smoking shall be prohibited in all enclosed
260 public places within the State of Mississippi, including, but not
261 limited to, the following places:

262 (a) Aquariums, galleries, libraries and museums.



263 (b) Areas available to and customarily used by the
264 general public in businesses and nonprofit entities patronized by
265 the public, including, but not limited to, banks, laundromats,
266 professional offices, and retail service establishments.

267 (c) Bars.

268 (d) Bingo facilities.

269 (e) Child care and adult day care facilities.

270 (f) Convention facilities.

271 (g) Educational facilities, both public and private.

272 (h) Elevators.

273 (i) Gaming facilities.

274 (j) Health care facilities.

275 (k) Hotels and motels.

276 (l) Lobbies, hallways, and other common areas in
277 apartment buildings, condominiums, trailer parks, retirement
278 facilities, nursing homes, and other multiple-unit residential
279 facilities.

280 (m) Polling places.

281 (n) Private clubs when being used for a function to
282 which the general public is invited.

283 (o) Public transportation vehicles, including buses and
284 taxicabs, under the authority of the state or any agency,
285 department, institution or political subdivision of the state, and
286 ticket, boarding, and waiting areas of public transportation
287 facilities, including bus, train and airport facilities.

288 (p) Restaurants.

289 (q) Restrooms, lobbies, reception areas, hallways, and
290 other common-use areas.

291 (r) Retail stores.

292 (s) Rooms, chambers, places of meeting or public
293 assembly, including school buildings, under the control of an
294 agency, board, commission, committee or council of the state or
295 any of its subdivisions.



296 (t) Service lines.

297 (u) Shopping malls.

298 (v) Sports arenas, including enclosed places in outdoor
299 arenas.

300 (w) Theaters and other facilities primarily used for
301 exhibiting motion pictures, stage dramas, lectures, musical
302 recitals, or other similar performances.

303 **SECTION 6.** (1) Smoking shall be prohibited in all enclosed
304 facilities within places of employment without exception. This
305 includes common work areas, auditoriums, classrooms, conference
306 and meeting rooms, private offices, elevators, hallways, medical
307 facilities, cafeterias, employee lounges, stairs, restrooms,
308 vehicles, and all other enclosed facilities.

309 (2) This prohibition on smoking shall be communicated to all
310 existing employees not later than August 1, 2009, and to all
311 prospective employees upon their application for employment.

312 **SECTION 7.** Smoking shall be prohibited in the following
313 enclosed residential facilities:

314 (a) All private and semi-private rooms in nursing
315 homes.

316 (b) At least eighty percent (80%) of hotel and motel
317 rooms that are rented to guests.

318 **SECTION 8.** Smoking shall be prohibited in the following
319 outdoor places:

320 (a) Within twenty (20) feet outside entrances, operable
321 windows, and ventilation systems of enclosed areas where smoking
322 is prohibited, so as to insure that tobacco smoke does not enter
323 those areas.

324 (b) In outdoor seating or serving areas of restaurants
325 and within twenty (20) feet thereof.

326 (c) In all outdoor arenas, stadiums, and amphitheaters,
327 except in designated smoking areas, which may be established only
328 in perimeter areas at least twenty (20) feet from any seating



329 areas or concession stands. Smoking shall also be prohibited
330 within twenty (20) feet of bleachers and grandstands for use by
331 spectators at sporting and other public events.

332 (d) In all public transportation stations, platforms,
333 and shelters under the authority of the state or any agency,
334 department, institution or political subdivision of the state.

335 (e) In all outdoor service lines.

336 (f) In outdoor common areas of nursing homes, except in
337 designated smoking areas, which must be located at least twenty
338 (20) feet outside of entrances, operable windows, and ventilation
339 systems of enclosed areas where smoking is prohibited.

340 **SECTION 9.** Notwithstanding any other provision of this act
341 to the contrary, the following areas shall be exempt from the
342 provisions of Sections 5 and 6 of this act:

343 (a) Private residences, except when used as a child
344 care, adult day care, or health care facility, and except as
345 provided in Section 7 of this act.

346 (b) Not more than twenty percent (20%) of hotel and
347 motel rooms rented to guests and designated as smoking rooms. All
348 smoking rooms on the same floor must be contiguous and smoke from
349 these rooms must not infiltrate into areas where smoking is
350 prohibited under the provisions of this act. The status of rooms
351 as smoking or nonsmoking may not be changed, except to add
352 additional nonsmoking rooms.

353 (c) Private clubs that have no employees, except when
354 being used for a function to which the general public is invited,
355 provided that smoke from those clubs does not infiltrate into
356 areas where smoking is prohibited under the provisions of this
357 act. This exemption shall not apply to any organization that is
358 established for the purpose of avoiding compliance with this act.

359 (d) Outdoor areas of places of employment except those
360 covered by the provisions of Section 8 of this act.



361 **SECTION 10.** Notwithstanding any other provision of this act,
362 an owner, operator, manager, or other person in control of an
363 establishment, facility, or outdoor area may declare that entire
364 establishment, facility, or outdoor area as a nonsmoking place.
365 Smoking shall be prohibited in any place in which a sign
366 conforming to the requirements of Section 11(1) of this act is
367 posted.

368 **SECTION 11.** (1) "No Smoking" signs or the international "No
369 Smoking" symbol (consisting of a pictorial representation of a
370 burning cigarette enclosed in a red circle with a red bar across
371 it) shall be clearly and conspicuously posted in every public
372 place and place of employment where smoking is prohibited by this
373 act, by the owner, operator, manager, or other person in control
374 of that place.

375 (2) Every public place and place of employment where smoking
376 is prohibited by this act shall have posted at every entrance a
377 conspicuous sign clearly stating that smoking is prohibited.
378 Every vehicle that constitutes a place of employment under this
379 act shall have at least one (1) conspicuous sign, visible from the
380 exterior of the vehicle, clearly stating that smoking is
381 prohibited.

382 (3) All ashtrays shall be removed from any area where
383 smoking is prohibited by this act by the owner, operator, manager,
384 or other person having control of the area.

385 **SECTION 12.** (1) No person or employer shall discharge,
386 refuse to hire, or in any manner retaliate against an employee,
387 applicant for employment, or customer because that employee,
388 applicant or customer exercises any rights afforded by this act or
389 reports or attempts to prosecute a violation of this act.
390 Notwithstanding Section 15 of this act, a violation of this
391 subsection shall be a misdemeanor, punishable by a fine not to
392 exceed One Thousand Dollars (\$1,000.00) for each violation.



393 (2) An employee who works in a setting where an employer
394 allows smoking does not waive or otherwise surrender any legal
395 rights the employee may have against the employer or any other
396 party.

397 **SECTION 13.** The State Department of Health shall adopt rules
398 and regulations as are necessary and reasonable to implement the
399 provisions of this act. Notice of the provisions of this act
400 shall be given to all applicants for a business license in the
401 state.

402 **SECTION 14.** (1) This act shall be enforced by local health
403 departments, city managers or administrators, county
404 administrators, and their authorized designees.

405 (2) Any person who desires to register a complaint under
406 this act may initiate enforcement with the local health
407 department, city manager or administrator, or county
408 administrator.

409 (3) Local health departments, fire departments, and their
410 designees, while an establishment is undergoing otherwise mandated
411 inspections, shall inspect for compliance with this act.

412 (4) An owner, manager, operator or employee of an
413 establishment regulated by this act shall inform persons violating
414 this act of the appropriate provisions thereof.

415 (5) Notwithstanding any other provision of this act, an
416 employee or private citizen may bring legal action to enforce this
417 act.

418 (6) In addition to the remedies provided by the provisions
419 of this section, local health departments, city managers or
420 administrators, county administrators, and any persons aggrieved
421 by the failure of the owner, operator, manager or other person in
422 control of a public place or a place of employment to comply with
423 the provisions of this act may apply for injunctive relief to
424 enforce those provisions in any court of competent jurisdiction.



425 **SECTION 15.** (1) A person who smokes in an area where
426 smoking is prohibited by the provisions of this act shall be
427 guilty of a misdemeanor, punishable by a fine not exceeding Fifty
428 Dollars (\$50.00).

429 (2) Except as otherwise provided in Section 12(1) of this
430 act, a person who owns, manages, operates, or otherwise controls a
431 public place or place of employment and who fails to comply with
432 the provisions of this act shall be guilty of a misdemeanor,
433 punishable by:

434 (a) A fine not exceeding One Hundred Dollars (\$100.00)
435 for a first violation.

436 (b) A fine not exceeding Two Hundred Dollars (\$200.00)
437 for a second violation within one (1) year.

438 (c) A fine not exceeding Five Hundred Dollars (\$500.00)
439 for each additional violation within one (1) year.

440 (3) In addition to the fines established by this section,
441 violation of this act by a person who owns, manages, operates, or
442 otherwise controls a public place or place of employment may
443 result in the suspension or revocation of any permit or license
444 issued to the person for the premises on which the violation
445 occurred.

446 (4) Violation of this act is declared to be a public
447 nuisance, which may be abated by restraining order, preliminary
448 and permanent injunction, or other means provided for by law.

449 (5) Each day on which a violation of this act occurs shall
450 be considered a separate and distinct violation.

451 **SECTION 16.** Nothing in this act shall be construed to
452 prevent a political subdivision of the state from adopting local
453 ordinances or regulations relating to smoking in workplaces and
454 public places that are more restrictive than this act, nor does
455 this act repeal any existing local ordinances or regulations that
456 provide restrictions on smoking that are equivalent to or greater
457 than those provided by this act.



458 **SECTION 17.** The State Department of Health shall engage in a
459 continuing program to explain and clarify the purposes and
460 requirements of this act to persons affected by it, and to guide
461 owners, operators, and managers in their compliance with it. The
462 program may include publication of a brochure for affected
463 businesses and persons explaining the provisions of this act.

464 **SECTION 18.** This act shall not be interpreted or construed
465 to permit smoking where it is otherwise restricted by other
466 applicable state or local laws.

467 **SECTION 19.** This act shall be liberally construed so as to
468 further its purposes.

469 **SECTION 20.** This act shall not be construed as amending or
470 repealing Section 97-35-1(4).

471 **SECTION 21.** Sections 29-5-160, 29-5-161 and 29-5-163,
472 Mississippi Code of 1972, which are the Mississippi Clean Indoor
473 Air Act, and Sections 97-32-25, 97-32-27 and 97-32-29, Mississippi
474 Code of 1972, which are the Mississippi Adult Tobacco Use on
475 Educational Property Act, are repealed.

476 **SECTION 22.** This act shall take effect and be in force from
477 and after July 1, 2009.

