

By: Representatives Barker, Byrd, Woods

To: Public Health and Human Services

HOUSE BILL NO. 855

1 AN ACT TO PROHIBIT SMOKING IN ANY INDOOR OR OUTDOOR PUBLIC  
 2 FACILITY IN MISSISSIPPI DURING ANY TIME THAT PERSONS UNDER 18  
 3 YEARS OF AGE ARE ENGAGED IN AN ORGANIZED ATHLETIC EVENT IN THE  
 4 FACILITY; TO PROVIDE THAT THE PERSON, AGENCY OR ENTITY HAVING  
 5 JURISDICTION OR SUPERVISION OVER A PUBLIC FACILITY SHALL NOT ALLOW  
 6 SMOKING IN THE FACILITY IN VIOLATION OF THIS ACT, SHALL USE  
 7 REASONABLE EFFORTS TO PREVENT SUCH SMOKING IN THE FACILITY, AND  
 8 SHALL DESIGNATE A SEPARATE AREA TO WHICH SMOKING SHALL BE  
 9 RESTRICTED; TO PROVIDE FOR CIVIL FINES FOR VIOLATIONS OF THIS ACT;  
 10 AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** (1) As used in this section, the term "smoke" or  
 13 "smoking" means inhaling, exhaling, burning, carrying or otherwise  
 14 possessing any lighted cigarette, cigar, pipe or any other object  
 15 or device of any form that contains lighted tobacco or any other  
 16 smoking product.

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

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

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

29 (b) Securing the removal of persons who smoke in the  
 30 public facility in violation of this section.



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

33 (4) Any person who violates this section shall, upon  
34 conviction, be subject to a civil fine and shall be liable as  
35 follows:

36 (a) For a first conviction, a warning;

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

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

41 Anyone convicted under this section shall be recorded as  
42 being guilty of a civil penalty and not for violating a criminal  
43 statute. Any such violation shall be triable in any justice court  
44 or municipal court with proper jurisdiction.

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

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

51 **SECTION 2.** This act shall take effect and be in force from  
52 and after July 1, 2009.

