

By: Senator(s) Frazier

To: Public Health and  
Welfare

## SENATE BILL NO. 2724

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.

