

By: Representatives Barker, Aldridge

To: Public Health and Human Services; Appropriations

HOUSE BILL NO. 964

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 CIVIL FINES FOR VIOLATIONS OF THIS ACT; AND
 10 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, 2010.

