

By: Senator(s) Bryan, Dearing

To: Public Health and Welfare

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2644

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

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

15 **SECTION 1.** (1) As used in this section:

16 (a) The term "public facility" means any building,  
17 gymnasium, athletic field, recreational area or park to which the  
18 public is invited, whether there is charge for admission or not.

19 (b) The term "smoke" or "smoking" means inhaling,  
20 exhaling, burning, carrying or otherwise possessing any lighted  
21 cigarette, cigar, pipe or any other object or device of any form  
22 that contains lighted tobacco or any other smoking product.

23 (c) The term "tobacco products" means any substance  
24 that contains tobacco including, but not limited to, cigarettes,  
25 cigars, pipes, snuff, chewing tobacco, smoking tobacco or  
26 smokeless tobacco.

27 (2) No person shall smoke or use chewing tobacco or any  
28 other tobacco products in any public facility in Mississippi  
29 during any time that persons under eighteen (18) years of age are  
30 engaged in an organized athletic event in the facility, except as  
31 permitted under subsection (3) (c) of this section.



32           (3) The person, agency or entity having jurisdiction or  
33 supervision over a public facility shall not allow smoking or the  
34 use of chewing tobacco or other tobacco products in the facility  
35 in violation of this section, and shall use reasonable efforts to  
36 prevent such smoking or the use of chewing tobacco or other  
37 tobacco products in the facility. The person, agency or entity  
38 may take the following steps:

39           (a) Posting appropriate signs informing persons that  
40 such smoking or the use of chewing tobacco or other tobacco  
41 products is prohibited in the public facility.

42           (b) Securing the removal of persons who smoke or chew  
43 tobacco or use other tobacco products in the public facility in  
44 violation of this section.

45           (c) Providing a designated area separate from the  
46 fields of activity, to which smoking or the use of chewing tobacco  
47 or other tobacco products shall be restricted.

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

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

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

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

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

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



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

66           **SECTION 2.** This act shall take effect and be in force from  
67 and after July 1, 2010.

