

By: Senator(s) Simmons (13th)

To: Public Health and
Welfare; Appropriations

SENATE BILL NO. 2607

1 AN ACT ENTITLED THE "MISSISSIPPI SMOKE-FREE AIR ACT OF 2014";
2 TO PROHIBIT SMOKING IN PUBLIC PLACES AND IN PLACES OF EMPLOYMENT;
3 TO PROVIDE DEFINITIONS; TO PROHIBIT SMOKING IN PRIVATE CLUBS AND
4 CERTAIN RESIDENTIAL FACILITIES; TO PROVIDE MINIMUM REQUIREMENTS
5 AND RIGHTS OF PERSONS IN CONTROL; TO AUTHORIZE THE MISSISSIPPI
6 STATE BOARD OF HEALTH TO PROMULGATE RULES AND REGULATIONS TO
7 ENFORCE SMOKING PROHIBITIONS; TO PRESCRIBE EXEMPTIONS; TO PROVIDE
8 FOR ENFORCEMENT OF THIS ACT; TO PRESCRIBE FINES AND PENALTIES FOR
9 VIOLATIONS OF THIS ACT; TO PRESCRIBE THE DUTIES OF THE STATE
10 DEPARTMENT OF HEALTH RELATIVE TO THIS ACT; TO REPEAL SECTIONS
11 29-5-160, 29-5-161 AND 29-5-163, MISSISSIPPI CODE OF 1972, WHICH
12 ARE THE MISSISSIPPI CLEAN INDOOR AIR ACT; AND FOR RELATED
13 PURPOSES.

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

15 **SECTION 1.** **Title.** This act shall be known as the

16 "Mississippi Smoke-Free Air Act of 2014."

17 **SECTION 2.** **Findings and intent.** (1) The Legislature does
18 hereby find that:

19 (a) The 2006 U.S. Surgeon General's Report, "The Health
20 Consequences of Involuntary Exposure to Tobacco Smoke," has
21 concluded that:

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



24 (ii) Children exposed to secondhand smoke are at
25 an increased risk for sudden infant death syndrome (SIDS), acute
26 respiratory problems, ear infections, asthma attacks, and that
27 smoking by parents causes respiratory symptoms and slows lung
28 growth in their children;

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

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

34 (v) Establishing smoke-free workplaces is the only
35 effective way to ensure that secondhand smoke exposure does not
36 occur in the workplace, because ventilation and other air-cleaning
37 technologies cannot completely control exposure of nonsmokers to
38 secondhand smoke; and

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

42 (b) According to the 2010 U.S. Surgeon General's
43 Report, "How Tobacco Smoke Causes Disease," even occasional
44 exposure to secondhand smoke is harmful and low levels of exposure
45 to secondhand tobacco smoke lead to a rapid and sharp increase in
46 dysfunction and inflammation of the lining of the blood vessels,
47 which are implicated in heart attacks and strokes.



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

56 (d) The Public Health Service's National Toxicology
57 Program (NTP) has listed secondhand smoke as a known carcinogen.

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

67 (f) There is indisputable evidence that implementing
68 one hundred percent (100%) smoke-free environments is the only
69 effective way to protect the population from the harmful effects
70 of exposure to secondhand smoke.

71 (g) In reviewing eleven (11) studies concluding that
72 communities see an immediate reduction in heart attack admissions



73 after the implementation of comprehensive smoke-free laws, the
74 Institute of Medicine of the National Academies concluded that
75 data consistently demonstrate that secondhand smoke exposure
76 increases the risk of coronary heart disease and heart attacks and
77 that smoke-free laws reduce heart attacks.

78 (h) A significant amount of secondhand smoke exposure
79 occurs in the workplace. Employees who work in smoke-filled
80 businesses suffer a twenty-five to fifty percent (25-50%) higher
81 risk of heart attack and higher rates of death from cardiovascular
82 disease and cancer, as well as increased acute respiratory disease
83 and measurable decrease in lung function.

84 (i) Studies measuring cotinine (metabolized nicotine)
85 and NNAL (metabolized nitrosamine NNK, a tobacco-specific
86 carcinogen linked to lung cancer) in hospitality workers find
87 dramatic reductions in the levels of these biomarkers after a
88 smoke-free law takes effect. Average cotinine levels of New York
89 City restaurant and bar workers decreased by eighty-five percent
90 (85%) after the city's smoke-free law went into effect. After the
91 implementation of Ontario, Canada's Smokefree Indoor Air Law,
92 levels of NNAL were reduced by fifty-two percent (52%) in
93 nonsmoking casino employees and cotinine levels fell by
94 ninety-eight percent (98%).

95 (j) Following a Health Hazard Evaluation of Las Vegas
96 casino employees' secondhand smoke exposure in the workplace,
97 which included indoor air quality tests and biomarker assessments,



98 the National Institute of Occupational Safety and Health (NIOSH)
99 concluded that the casino employees are exposed to dangerous
100 levels of secondhand smoke at work and that their bodies absorb
101 high levels of tobacco-specific chemicals NNK and cotinine during
102 work shifts. NIOSH also concluded that the "best means of
103 eliminating workplace exposure to secondhand smoke is to ban all
104 smoking in the casinos."

105 (k) Secondhand smoke is particularly hazardous to
106 elderly people, individuals with cardiovascular disease, and
107 individuals with impaired respiratory function, including
108 asthmatics and those with obstructive airway disease. The
109 Americans with Disabilities Act, which requires that disabled
110 persons have access to public places and workplaces, deems
111 impaired respiratory function to be a disability.

112 (l) The U.S. Centers for Disease Control and Prevention
113 has determined that the risk of acute myocardial infarction and
114 coronary heart disease associated with exposure to tobacco smoke
115 is nonlinear at low doses, increasing rapidly with relatively
116 small doses such as those received from secondhand smoke or
117 actively smoking one (1) or two (2) cigarettes a day, and has
118 warned that all patients at increased risk of coronary heart
119 disease or with known coronary artery disease should avoid all
120 indoor environments that permit smoking.

121 (m) Given the fact that there is no safe level of
122 exposure to secondhand smoke, the American Society of Heating,



Refrigerating and Air-Conditioning Engineers (ASHRAE) bases its ventilation standards on totally smoke-free environments. ASHRAE has determined that there is currently no air filtration or other ventilation technology that can completely eliminate all the carcinogenic components in secondhand smoke and the health risks caused by secondhand smoke exposure, and recommends that indoor environments be smoke free in their entirety.

(n) During periods of active smoking, peak and average outdoor tobacco smoke (OTS) levels measured in outdoor cafes and restaurant and bar patios near smokers rival indoor tobacco smoke concentrations. Nonsmokers who spend six-hour periods in outdoor smoking sections of bars and restaurants experience a significant increase in levels of cotinine when compared to the cotinine levels in a smoke-free outdoor area.

(o) Residual tobacco contamination, or "thirdhand smoke," from cigarettes, cigars, and other tobacco products is left behind after smoking occurs and builds up on surfaces and furnishings. This residue can linger in spaces long after smoking has ceased and continue to expose people to tobacco toxins. Sticky, highly toxic particulate matter, including nicotine, can cling to walls and ceilings. Gases can be absorbed into carpets, draperies, and other upholsteries, and then be reemitted (off-gassed) back into the air and recombine to form harmful compounds. Tobacco residue is noticeably present in dust throughout places where smoking has occurred. Given the rapid



sorption and persistence of high levels of residual nicotine from tobacco smoke on indoor surfaces, including clothing and human skin, this recently identified process represents an unappreciated health hazard through dermal exposure, dust inhalation, and ingestion.

(p) Unregulated high-tech smoking devices, commonly referred to as electronic cigarettes, or "e-cigarettes," closely resemble and purposefully mimic the act of smoking by having users inhale vaporized liquid nicotine created by heat through an electronic ignition system. After testing a number of e-cigarettes from two (2) leading manufacturers, the Food and Drug Administration (FDA) determined that various samples tested contained not only nicotine but also detectable levels of known carcinogens and toxic chemicals, including tobacco-specific nitrosamines and diethylene glycol, a toxic chemical used in antifreeze. The FDA's testing also suggested that "quality control processes used to manufacture these products are inconsistent or nonexistent." E-cigarettes produce a vapor of undetermined and potentially harmful substances, which may appear similar to the smoke emitted by traditional tobacco products. Their use in workplaces and public places where smoking of traditional tobacco products is prohibited creates concern and confusion and leads to difficulties in enforcing the smoking prohibitions.



(q) The Society of Actuaries has determined that secondhand smoke costs the U.S. economy roughly Ten Billion Dollars (\$10,000,000,000.00) a year: Five Billion Dollars (\$5,000,000,000.00) in estimated medical costs associated with secondhand smoke exposure and Forty Six Billion Dollars (\$46,000,000,000.00) in lost productivity.

(r) Numerous economic analyses examining restaurant and hotel receipts and controlling for economic variables have shown either no difference or a positive economic impact after enactment of laws requiring workplaces to be smoke free. Creation of smoke-free workplaces is sound economic policy and provides the maximum level of employee health and safety.

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

(t) Smoking is a potential cause of fires; cigarette and cigar burns and ash stains on merchandise and fixtures causes economic damage to businesses.

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

(v) Accordingly, the Legislature finds and declares that the purposes of this ordinance are:



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

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

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

(a) "Bar" means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including, but not limited to, taverns, nightclubs, cocktail lounges, and cabarets.

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

(c) "E-cigarette" means any electronic oral device, such as one composed of a heating element, battery, and/or electronic circuit, which provides a vapor of nicotine or any other substances, and the use or inhalation of which simulates smoking. The term shall include any such device, whether



manufactured, distributed, marketed, or sold as an e-cigarette,
e-cigar, e-pipe, or under any other product name or descriptor.

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

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

(f) "Enclosed area" means all space between a floor and
a ceiling that is bounded on at least two (2) sides by walls,
doorways, or windows, whether open or closed. A wall includes any
retractable divider, garage door, or other physical barrier,
whether temporary or permanent and whether or not containing
openings of any kind.

(g) "Health care facility" means an office or
institution providing care or treatment of diseases, whether
physical, mental, or emotional, or other medical, physiological,
or psychological conditions, including, but not limited to,
hospitals, rehabilitation hospitals or other clinics, including
weight-control clinics, nursing homes, long-term care facilities,
homes for the aging or chronically ill, laboratories, and offices
of surgeons, chiropractors, physical therapists, physicians,
psychiatrists, dentists, and all specialists within these



professions. This definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.

(h) "Place of employment" means an area under the control of a public or private employer, including, but not limited to, work areas, private offices, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, construction sites, temporary offices, and vehicles. A private residence is not a "place of employment" unless it is used as a child care, adult day care, or health care facility.

(i) "Playground" means any park or recreational area designed in part to be used by children that has play or sports equipment installed or that has been designated or landscaped for play or sports activities, or any similar facility located on public or private school grounds or on city, county or state park grounds.

(j) "Private club" means an organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and which only sells alcoholic beverages incidental to its operation. The affairs and management of the organization are conducted by a board of directors, executive



272 committee, or similar body chosen by the members at an annual
273 meeting. The organization has established bylaws and/or a
274 constitution to govern its activities. The organization has been
275 granted an exemption from the payment of federal income tax as a
276 club under 26 USC Section 501.

277 (k) "Public place" means an area to which the public is
278 invited or in which the public is permitted, including, but not
279 limited to, banks, bars, educational facilities, gaming
280 facilities, health care facilities, hotels and motels,
281 laundromats, public transportation vehicles and facilities,
282 reception areas, restaurants, retail food production and marketing
283 establishments, retail service establishments, retail stores,
284 shopping malls, sports arenas, theaters, and waiting rooms. A
285 private residence is not a "public place" unless it is used as a
286 child care, adult day care, or health care facility.

287 (l) "Restaurant" means an eating establishment,
288 including, but not limited to, coffee shops, cafeterias, sandwich
289 stands, and private and public school cafeterias, which gives or
290 offers for sale food to the public, guests, or employees, as well
291 as kitchens and catering facilities in which food is prepared on
292 the premises for serving elsewhere. The term "restaurant" shall
293 include a bar area within the restaurant.

294 (m) "Service line" means an indoor or outdoor line in
295 which one or more persons are waiting for or receiving service of
296 any kind, whether or not the service involves the exchange of



money, including, but not limited to, ATM lines, concert lines, food vendor lines, movie ticket lines, and sporting event lines.

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

(o) "Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, in any manner or in any form. "Smoking" also includes the use of an e-cigarette which creates a vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this act.

(p) "Sports arena" means a place where people assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events, including sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, and bowling alleys.

SECTION 4. Application of chapter to government facilities

and property. All enclosed areas, including buildings and vehicles owned, leased, or operated by the state or any of its subdivisions, as well as all outdoor property adjacent to such buildings and under the control of the state, shall be subject to the provisions of this act.

SECTION 5. Prohibition of smoking in enclosed public places.

Smoking shall be prohibited in all enclosed public places within



the State of Mississippi, including, but not limited to, the following places:

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

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

(c) Bars.

(d) Bingo facilities.

(e) Child care and adult day care facilities.

(f) Convention facilities.

(g) Educational facilities, both public and private.

(h) Elevators.

(i) Gaming facilities.

(j) Health care facilities.

(k) Hotels and motels.

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

(m) Polling places.

(n) Public transportation vehicles, including buses and taxicabs, under the authority of the state or any of its subdivisions, and ticket, boarding, and waiting areas of public



transportation facilities, including bus, train, and airport facilities.

(o) Restaurants.

(p) Restrooms, lobbies, reception areas, hallways, and other common-use areas.

(q) Retail stores.

(r) Rooms, chambers, places of meeting or public assembly, including school buildings, under the control of an agency, board, commission, committee or council of the state or a political subdivision of the state, to the extent the place is subject to the jurisdiction of the state.

(s) Service lines.

(t) Shopping malls.

(u) Sports arenas, including enclosed places in outdoor arenas.

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

SECTION 6. Prohibition of smoking in enclosed places of

employment. (1) Smoking shall be prohibited in all enclosed areas of places of employment without exception. This includes, without limitation, common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles, and all other enclosed facilities.



(2) This prohibition on smoking shall be communicated to all existing employees by the effective date of this act and to all prospective employees upon their application for employment.

SECTION 7. Prohibition of smoking in private clubs. Smoking shall be prohibited in all private clubs.

SECTION 8. Prohibition of smoking in enclosed residential facilities. Smoking shall be prohibited in the following enclosed residential facilities:

(a) All private and semiprivate rooms in nursing homes.

(b) All hotel and motel rooms that are rented to guests.

SECTION 9. Prohibition of smoking in outdoor public places. Smoking shall be prohibited in the following outdoor places:

(a) Within a reasonable distance of twenty (20) feet outside entrances, operable windows, and ventilation systems of enclosed areas where smoking is prohibited, so as to prevent tobacco smoke from entering those areas.

(b) On all outdoor property that is adjacent to buildings owned, leased, or operated by the state and that is under the control of the state.

(c) In, and within twenty (20) feet of, outdoor seating or serving areas of restaurants and bars.

(d) In all outdoor arenas, stadiums, and amphitheaters. Smoking shall also be prohibited in, and within twenty (20) feet



of, bleachers and grandstands for use by spectators at sporting and other public events.

(e) In, and within twenty (20) feet of, all outdoor playgrounds.

(f) In, and within twenty (20) feet of, all outdoor public transportation stations, platforms, and shelters under the authority of the state or any of its subdivisions.

(g) In all outdoor service lines, including lines in which service is obtained by persons in vehicles, such as service that is provided by bank tellers, parking lot attendants, and toll collectors. In lines in which service is obtained by persons in vehicles, smoking is prohibited by both pedestrians and persons in vehicles, but only within twenty (20) feet of the point of service.

(h) In outdoor common areas of apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities, except in designated smoking areas, not to exceed twenty-five percent (25%) of the total outdoor common area, which must be located at least twenty (20) feet outside entrances, operable windows, and ventilation systems of enclosed areas where smoking is prohibited.

SECTION 10. Prohibition of smoking in outdoor places of

employment. (1) Smoking shall be prohibited in all outdoor places of employment where two (2) or more employees are required to be in the course of their employment. This includes, without



limitation, work areas, construction sites, temporary offices such as trailers, restroom facilities, and vehicles.

(2) This prohibition on smoking shall be communicated to all existing employees by the effective date of this act and to all prospective employees upon their application for employment.

SECTION 11. **Where smoking is not regulated.** Notwithstanding any other provision of this act to the contrary, smoking shall not be prohibited in private residences, unless used as a childcare, adult day care, or health care facility.

SECTION 12. **Declaration of establishment or outdoor area as nonsmoking.** Notwithstanding any other provision of this act, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a nonsmoking place. Smoking shall be prohibited in any place in which a sign conforming to the requirements of Section 13(a) of this act is posted.

SECTION 13. **Posting of signs and removal of ashtrays.** The owner, operator, manager, or other person in control of a public place or place of employment where smoking is prohibited by this act shall:

(a) Clearly and conspicuously post "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) in that place.



(b) Clearly and conspicuously post at every entrance to that place a sign stating that smoking is prohibited.

(c) Clearly and conspicuously post on every vehicle that constitutes a place of employment under this act at least one (1) sign, visible from the exterior of the vehicle, stating that smoking is prohibited.

(d) Remove all ashtrays from any area where smoking is prohibited by this act, except for ashtrays displayed for sale and not for use on the premises.

SECTION 14. Nonretaliation; nonwaiver of rights. (1) No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, customer, or resident of a multiple-unit residential facility because that employee, applicant, customer, or resident exercises any rights afforded by this act or reports or attempts to prosecute a violation of this act. Notwithstanding Section 17 of this act, violation of this subsection shall be a misdemeanor, punishable by a fine not to exceed One Thousand Dollars (\$1,000.00) for each violation.

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

SECTION 15. Implementation. The Mississippi State Department of Health shall adopt rules and regulations as are



necessary and reasonable to implement the provisions of this act.
Notice of the provisions of this act shall be given to all
applicants for a business license in the state.

SECTION 16. Enforcement. (1) This act shall be enforced by
local health departments, city managers, county administrators,
and their authorized designees.

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

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

(4) An owner, manager, operator, or employee of an area
regulated by this act shall direct a person who is smoking in
violation of this act to extinguish the product being smoked. If
the person does not stop smoking, the owner, manager, operator, or
employee shall refuse service and shall immediately ask the person
to leave the premises. If the person in violation refuses to
leave the premises, the owner, manager, operator, or employee
shall contact a law enforcement agency.

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

(6) In addition to the remedies provided by the provisions
of this section, local health departments, city managers, county



administrators, and any person aggrieved by the failure of the owner, operator, manager, or other person in control of a public place or a place of employment to comply with the provisions of this act may apply for injunctive relief to enforce those provisions in any court of competent jurisdiction.

SECTION 17. Violations and penalties. (1) A person who smokes in an area where smoking is prohibited by the provisions of this act shall be guilty of an infraction, punishable by a fine not exceeding Fifty Dollars (\$50.00).

(2) Except as otherwise provided in Section 14(1) of this act, a person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of this act shall be guilty of an infraction, punishable by:

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

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

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

(3) In addition to the fines established by this section, violation of this act by a person who owns, manages, operates, or otherwise controls a public place or place of employment may result in the suspension or revocation of any permit or license



issued to the person for the premises on which the violation occurred.

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

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

SECTION 18. **No preemption.** Nothing in this act shall be construed to prevent a political subdivision of the state from adopting local ordinances or regulations relating to smoking in workplaces and public places that are more restrictive than this act, nor does this act repeal any existing local ordinances or regulations that provide restrictions on smoking that are equivalent to, or greater than, those provided by this act.

SECTION 19. **Public education.** The Mississippi State Department of Health shall engage in a continuing program to explain and clarify the purposes and requirements of this act to citizens affected by it, and to guide owners, operators, and managers in their compliance with it. The program may include publication of a brochure for affected businesses and individuals explaining the provisions of this act.

SECTION 20. **Other applicable laws.** This act shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable state or local laws.



543 **SECTION 21. Liberal construction.** This act shall be
544 liberally construed so as to further its purposes.

545 **SECTION 22. Severability.** If any provision, clause,
546 sentence, or paragraph of this act or the application thereof to
547 any person or circumstances shall be held invalid, that invalidity
548 shall not affect the other provisions of this act which can be
549 given effect without the invalid provision or application, and to
550 this end the provisions of this act are declared to be severable.

551 **SECTION 23.** Sections 29-5-160, 29-5-161 and 29-5-163,
552 Mississippi Code of 1972, which are the Mississippi Clean Indoor
553 Air Act, are repealed.

554 **SECTION 24.** This act shall take effect and be in force from
555 and after July 1, 2014.

