

By: Nunnelee

To: Judiciary

SENATE BILL NO. 2137

1 AN ACT TO PROHIBIT SMOKING IN STATE OFFICE BUILDINGS; TO
2 PROVIDE CIVIL PENALTIES FOR VIOLATIONS OF THE ACT; AND FOR RELATED
3 PURPOSES.

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

5 SECTION 1. (1) As used in this section:

6 (a) "Smoke" or "smoking" means inhaling, exhaling,
7 burning or carrying any lighted cigar, cigarette, pipe or any form
8 of lighted object or device that contains tobacco or any other
9 smoking product.

10 (b) "State office building" means the New Capitol
11 Building, the Woolfolk State Office Building, the Carroll Gartin
12 Justice Building, the Walter Sillers Office Building, the Heber
13 Ladner Building, the Robert E. Lee Office Building, the 301
14 Building, the State Board of Health Building, the Public
15 Employees' Retirement System Building, the Central High Building,
16 the War Veterans' Memorial Building, the State Archives Building,
17 the Ike Sanford Veterans Affairs Building, the Old Capitol
18 Building and any other facility in the state that is owned or
19 leased by the State of Mississippi or any agency, department or
20 institution of the state and that is used for housing state
21 employees during the time of performance of their regular duties

22 for the state. If only part of a facility is leased by the state
23 or an agency, department or institution of the state, only the
24 leased part of the facility will be considered to be a state
25 office building for the purposes of this definition.

26 (2) No person shall smoke in any state office building.

27 (3) The person, agency or entity having jurisdiction or
28 supervision over a state office building shall not permit smoking
29 in the state office building and shall use reasonable efforts to
30 prevent smoking in the state office building, including, but not
31 limited to, the following:

32 (a) Posting appropriate signs informing state
33 employees, invitees, guests and other persons that smoking is
34 prohibited in the state office building.

35 (b) Securing the removal of persons who smoke in the
36 state office building.

37 (4) Pursuant to its regulatory authority, the State
38 Department of Health shall periodically conduct inspections of
39 state office buildings for compliance with this section.

40 (5) Any person who violates subsection (2) of this section
41 shall be subject to a civil penalty of not more than One Hundred
42 Dollars (\$100.00) for each violation.

43 (6) Any person, agency or entity having jurisdiction or
44 supervision over a state office building that permits smoking in
45 the state office building or fails to employ the efforts
46 prescribed in subsection (3) of this section to prevent smoking in
47 the state office building shall be subject to a civil penalty of
48 not more than One Hundred Dollars (\$100.00) for each violation.

49 (7) This section expressly preempts to the state the
50 regulation of smoking in state office buildings and supersedes any
51 municipal or county ordinance on the subject to the extent that
52 such ordinance is less prohibitive than the provisions of this

53 section.

54 SECTION 2. This act shall take effect and be in force from
55 and after July 1, 2000.