

By: Representative Holland

To: Public Health and Human Services

HOUSE BILL NO. 1259

1 AN ACT TO AMEND SECTION 29-5-161, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT THE UNIVERSITY OF MISSISSIPPI MEDICAL CENTER MAY  
3 BE DESIGNATED AS A NONSMOKING FACILITY, AND SHALL NOT BE REQUIRED  
4 TO DESIGNATE SMOKING AREAS IN ANY BUILDING UNDER ITS JURISDICTION;  
5 AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 29-5-161, Mississippi Code of 1972, is  
8 amended as follows:

9 29-5-161. (1) As used in this section:

10 (a) "Smoke" or "smoking" means inhaling, exhaling,  
11 burning, carrying or otherwise possessing any lighted cigarette,  
12 cigar, pipe or any other object or device of any form that  
13 contains lighted tobacco or any other smoking product.

14 (b) "State office building" means the New State Capitol  
15 Building, the Woolfolk State Office Building, the Carroll Gartin  
16 Justice Building, the Walter Sillers Office Building, the Heber  
17 Ladner Building, the Department of Transportation Building, the  
18 Robert E. Lee Office Building, the Robert G. Clark, Jr., Building,  
19 the State Board of Health Building, the Public Employees'  
20 Retirement System Building, the Central High Building, the Court  
21 of Appeals Building, the War Veterans' Memorial Building, the  
22 State Archives Building, the Ike Sanford Veterans Affairs  
23 Building, the Old State Capitol Building, the Burroughs Building,  
24 the Mayfair Building, 101 Capitol Centre and any other facility in  
25 the state that is owned or leased by the State of Mississippi or  
26 any agency, department or institution of the state and that is  
27 used for housing state employees during the time of performance of  
28 their regular duties for the state. If only part of a facility is

29 leased by the state or an agency, department or institution of the  
30 state, only the leased part of the facility will be considered to  
31 be a state office building for the purposes of this definition.

32 (c) "Designated smoking area" means any area or areas  
33 specifically designated, by the person, agency or entity having  
34 jurisdiction or supervision over a state office building, for the  
35 act of smoking, and shall be limited to one or more of the  
36 following areas:

- 37 (i) Enclosed private offices;
- 38 (ii) Designated employee break areas; and
- 39 (iii) Designated outdoor areas on the property.

40 (2) No person shall smoke in any state office building  
41 except as provided in this section.

42 (3) The person, agency or entity having jurisdiction or  
43 supervision over a state office building shall:

44 (a) Designate the areas in the building that will be  
45 designated smoking areas, except in those buildings specified in  
46 subsection (4) of this section;

47 (b) Conspicuously display signs that designate both  
48 smoking and nonsmoking areas, except that signs are not required  
49 in private offices; and

50 (c) Make every reasonable effort to prevent designated  
51 smoking areas from impinging upon nonsmoking areas by the use of  
52 existing physical barriers and ventilation systems.

53 (4) The Mississippi Department of Archives and History  
54 shall not be required to designate smoking areas in any building  
55 under its jurisdiction. In addition, the University of  
56 Mississippi Medical Center may be designated as a nonsmoking  
57 facility, and shall not be required to designate smoking areas in  
58 any building under its jurisdiction.

59 (5) The person, agency or entity having jurisdiction or  
60 supervision over a state office building shall not allow smoking  
61 in the state office building, except in designated smoking areas,

62 and shall use reasonable efforts to prevent smoking in the state  
63 office building, except in designated smoking areas, including,  
64 but not limited to, the following:

65           (a) Posting appropriate signs informing state  
66 employees, invitees, guests and other persons that smoking is  
67 prohibited in the state office building, except in designated  
68 smoking areas.

69           (b) Securing the removal of persons who smoke in the  
70 state office building, except in designated smoking areas.

71           (6) This section expressly preempts to the state the  
72 regulation of smoking in state office buildings and supersedes any  
73 municipal or county ordinance on the subject.

74           **SECTION 2.** This act shall take effect and be in force from  
75 and after July 1, 2005.