

By: Representative Bondurant

To: Public Health and Human Services

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 848

1 AN ACT TO PROHIBIT SMOKING IN ANY INDOOR OR OUTDOOR PUBLIC  
2 FACILITY IN MISSISSIPPI DURING ANY TIME THAT PERSONS UNDER  
3 EIGHTEEN YEARS OF AGE ARE ENGAGED IN AN ORGANIZED ATHLETIC EVENT  
4 IN THE FACILITY; TO PROVIDE THAT THE PERSON, AGENCY OR ENTITY  
5 HAVING JURISDICTION OR SUPERVISION OVER A PUBLIC FACILITY SHALL  
6 NOT ALLOW SMOKING IN THE FACILITY IN VIOLATION OF THIS ACT, SHALL  
7 USE REASONABLE EFFORTS TO PREVENT SUCH SMOKING IN THE FACILITY,  
8 AND SHALL DESIGNATE A SEPARATE AREA TO WHICH SMOKING SHALL BE  
9 RESTRICTED; TO PROVIDE FOR CIVIL FINES FOR VIOLATIONS OF THIS ACT;  
10 AND 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 be subject to  
34 a fine and shall be liable as follows:

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

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

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

40 Anyone convicted under this section shall be recorded as  
41 being fined for a civil violation of this section and not for  
42 violating a criminal statute.

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

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

49 **SECTION 2.** This act shall take effect and be in force from  
50 and after July 1, 2006.