

Senate Amendments to House Bill No. 123

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

9 SECTION 1. This act shall be known and may be cited as the
10 "Mississippi Clean Indoor Air Act."

11 SECTION 2. Section 29-5-161, Mississippi Code of 1972, is
12 amended as follows:

13 29-5-161. (1) As used in this section:

14 (a) "Smoke" or "smoking" means inhaling, exhaling,
15 burning, carrying or otherwise possessing any lighted cigarette,
16 cigar, pipe or any other object or device of any form that
17 contains lighted tobacco * * *.

18 (b) "Government building" means the New State Capitol
19 Building, the Woolfolk State Office Building, the Carroll Gartin
20 Justice Building, the Walter Sillers Office Building, the Heber
21 Ladner Building, the Department of Transportation Building, the
22 Robert E. Lee Office Building, the Robert G. Clark, Jr., Building,
23 the State Board of Health Building, the Public Employees'
24 Retirement System Building, the Central High Building, the Court
25 of Appeals Building, the War Veterans' Memorial Building, the
26 State Archives Building, the Ike Sanford Veterans Affairs
27 Building, the Old State Capitol Building, the Burroughs Building,
28 the Mayfair Building, 101 Capitol Centre and any other facility in
29 the state that is owned or leased by the State of Mississippi or
30 any agency, department or institution of the state and that is
31 used for housing state employees during the time of performance of
32 their regular duties for the state; any building owned, rented,
33 leased, occupied or operated by the state, including the
34 legislative, executive and judicial branches of state government;

35 any county, municipality or any other political subdivision of the
36 state; any public authority, commission, agency or public benefit
37 corporation; or any other separate corporate instrumentality or
38 unit of state or local government. If only part of a facility is
39 leased by the state or an agency, department or institution of the
40 state, or any county, municipality or other political subdivision
41 of the state, only the leased part of the facility will be
42 considered to be a government building for the purposes of this
43 definition. The term "government building" shall not include any
44 building owned or leased by the state institutions of higher
45 learning or the public community and junior colleges or any space
46 in a government building used by law enforcement officers.

47 (c) "University or college classroom building" means
48 any building used by the state institutions of higher learning or
49 the public community and junior colleges exclusively for student
50 instructional purposes. The term includes classrooms,
51 auditoriums, theaters, laboratories, hallways and restrooms.
52 Smoking policies applicable in the private offices of faculty and
53 staff and other "smoking permitted" space may be determined by
54 each academic and administrative department.

55 * * *

56 (2) No person shall smoke in any government building * * *.

57 (3) No person shall smoke in any university or college
58 classroom building.

59 (4) The person, agency or entity having jurisdiction or
60 supervision over a government building or university/college
61 classroom building shall not allow smoking in the government or
62 university/college classroom building, * * * and shall use
63 reasonable efforts to prevent smoking in such building, * * *
64 including, but not limited to, the following:

65 (a) Posting appropriate signs informing employees,
66 invitees, guests and other persons that smoking is prohibited in
67 the building * * *.

68 (b) Securing the removal of persons who smoke in
69 the * * * building * * *.

70 * * *

71 **SECTION 3.** This act shall not be interpreted or construed to
72 permit smoking where it is otherwise restricted by other
73 applicable laws or to prohibit any municipality or county from
74 adopting additional ordinances with regard to the use of smoking
75 in public places.

76 **SECTION 4.** This act shall take effect and be in force from
77 and after July 1, 2006.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO CREATE THE "MISSISSIPPI CLEAN INDOOR AIR ACT"; TO
2 AMEND SECTION 29-5-161, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
3 THERE SHALL BE NO DESIGNATED SMOKING AREAS IN STATE OFFICE
4 BUILDINGS AND TO PROVIDE THAT SMOKING PROHIBITIONS APPLY TO ANY
5 STATE, COUNTY OR MUNICIPAL GOVERNMENT BUILDING, AND THAT SMOKING
6 PROHIBITIONS APPLY TO PUBLIC UNIVERSITY AND COLLEGE CLASSROOM
7 BUILDINGS; AND FOR RELATED PURPOSES.

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John O. Gilbert
Secretary of the Senate