

By: Representative Mayo

To: Public Health and Human Services

HOUSE BILL NO. 314

1 AN ACT TO CREATE THE MISSISSIPPI SMOKE FREE FAMILY RESTAURANT
2 ACT; TO PROVIDE DEFINITIONS OF CERTAIN TERMS; TO PROHIBIT SMOKING
3 IN ALL FAMILY RESTAURANTS IN THE STATE OF MISSISSIPPI; TO PROVIDE
4 FOR THE POSTING OF NO SMOKING SIGNS AT FAMILY RESTAURANTS; TO
5 DIRECT THE STATE BOARD OF HEALTH TO ADOPT REGULATIONS AND
6 PENALTIES REGARDING VIOLATIONS OF THIS ACT; AND FOR RELATED
7 PURPOSES.

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

9 **SECTION 1.** This act shall be known and may be cited as the
10 "Mississippi Smoke Free Family Restaurant Act."

11 **SECTION 2.** As used in this act, the following words and
12 phrases shall have the meanings ascribed in this section, unless
13 the context clearly indicates otherwise:

14 (a) "Enclosed" means enclosed on all sides by solid
15 walls or windows, excluding doors or passageways, that extend from
16 the floor to the ceiling.

17 (b) "Family restaurant" means any indoor or enclosed
18 eating establishment that gives or offers for sale food to the
19 public and allows persons under eighteen (18) years of age to
20 enter and be served.

21 (c) "Smoking" means inhaling, exhaling, burning,
22 carrying or otherwise possessing any lighted cigarette, cigar,
23 pipe or any other object or device of any form that contains
24 lighted tobacco or any other smoking product.

25 **SECTION 3.** (1) Smoking is prohibited in all family
26 restaurants in the State of Mississippi.

27 (2) Notwithstanding the provision of subsection (1) of this
28 section, a family restaurant is not subject to the smoking

29 restrictions of this act while the entire restaurant is being used
30 for a private function.

31 (3) Every family restaurant shall have posted at every
32 entrance a conspicuous sign clearly stating that smoking is
33 prohibited in the restaurant.

34 **SECTION 4.** The State Board of Health shall adopt and
35 promulgate regulations and penalties regarding the violations of
36 this act not later than ninety (90) days after the effective date
37 of this act.

38 **SECTION 5.** This act shall not be interpreted or construed to
39 prohibit any municipality or county from adopting ordinances with
40 regard to smoking in restaurants or other public places.

41 **SECTION 6.** This act shall take effect and be in force from
42 and after its passage.