

By: Representatives Rogers (61st), Baker
(74th), Jennings, Markham, Smith (59th),
Weathersby

To: Military Affairs

HOUSE BILL NO. 1090

1 AN ACT TO AMEND SECTION 29-5-161, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE THE STATE VETERANS AFFAIRS BOARD TO DESIGNATE SMOKING
3 AREAS IN THE STATE VETERANS HOMES IN WHICH SMOKING WILL BE
4 PERMITTED; AND FOR RELATED PURPOSES.

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

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

8 29-5-161. (1) As used in this section:

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

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

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

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

50 (2) No person shall smoke in any government building, except
51 as follows: The State Veterans Affairs Board may designate
52 smoking areas in the state veterans homes operated by the board in
53 which smoking will be permitted.

54 (3) No person shall smoke in any university or college
55 classroom building.

56 (4) The person, agency or entity having jurisdiction or
57 supervision over a government building or university/college
58 classroom building shall not allow smoking in the government or
59 university/college classroom building, except in designated
60 smoking areas as authorized in subsection (2) of this section, and

61 shall use reasonable efforts to prevent smoking in such building,
62 including, but not limited to, the following:

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

66 (b) Securing the removal of persons who smoke in the
67 building.

68 **SECTION 2.** This act shall take effect and be in force from
69 and after July 1, 2007.