

4/27 9:10
Chapter No. 531

10/SS26/R800SG

JN ITB/Carl

SENATE BILL NO. 2644

Originated in Senate *Renald B. Siqueira* Secretary

SENATE BILL NO. 2644

AN ACT TO PROHIBIT SMOKING IN ANY INDOOR PUBLIC FACILITY AND WITHIN 100 FEET OF ANY OUTDOOR PUBLIC FACILITY DURING ANY TIME THAT PERSONS UNDER 18 YEARS OF AGE ARE ENGAGED IN AN ORGANIZED ATHLETIC EVENT AT THE FACILITY; TO PROVIDE THAT THE PERSON, AGENCY OR ENTITY HAVING JURISDICTION OR SUPERVISION OVER A PUBLIC FACILITY SHALL NOT ALLOW SMOKING AT THE FACILITY IN VIOLATION OF THIS ACT, SHALL USE REASONABLE EFFORTS TO PREVENT SMOKING AT THE FACILITY, AND SHALL DESIGNATE A SEPARATE AREA TO WHICH SMOKING SHALL BE RESTRICTED; TO PROVIDE FOR CIVIL FINES FOR VIOLATIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

SECTION 1. (1) As used in this section:

(a) The term "public facility" means any building, gymnasium, athletic field, recreational area or park to which the public is invited, whether there is charge for admission or not.

(b) The term "smoke" or "smoking" means inhaling, exhaling, burning, carrying or otherwise possessing any lighted cigarette, cigar, pipe or any other object or device of any form that contains lighted tobacco or any other smoking product.

(2) During any time that persons under eighteen (18) years of age are engaged in an organized athletic event at a public facility in Mississippi, no participant in or spectator of the athletic event shall smoke in the facility, if the facility is enclosed, or within one hundred (100) feet of the facility, if the facility is not enclosed, except as permitted under subsection (3)(c) of this section.

(3) The person, agency or entity having jurisdiction or supervision over a public facility shall not allow smoking at the facility in violation of this section, and shall use reasonable

efforts to prevent smoking at the facility. The person, agency or entity may take the following steps:

(a) Posting appropriate signs informing persons that smoking is prohibited at the public facility.

(b) Securing the removal of persons who smoke at the public facility in violation of this section.

(c) Providing a designated area separate from the fields of activity, to which smoking shall be restricted.

(4) Any person who violates this section shall, upon conviction, be subject to a civil fine and shall be liable as follows:

(a) For a first conviction, a warning;

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

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

Anyone convicted under this section shall be recorded as being guilty of a civil penalty and not for violating a criminal statute. Any such violation shall be triable in any justice court or municipal court with proper jurisdiction.

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

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

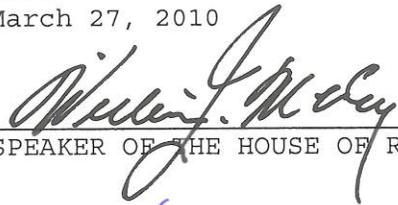
SECTION 2. This act shall take effect and be in force from and after July 1, 2010.

PASSED BY THE SENATE
March 27, 2010



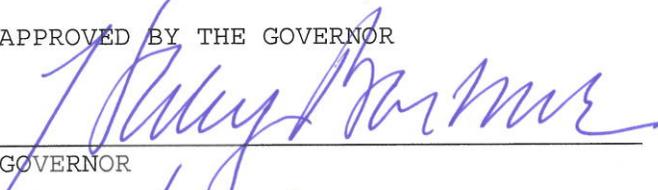
PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 27, 2010



SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR

4/27/10 9:07 am