

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1599

BY: VAUGHN (Ray)

AS INTRODUCED

AN ACT RELATING TO PUBLIC HEALTH AND SAFETY; AMENDING SECTION 3, CHAPTER 151, O.S.L. 1987, AS AMENDED BY SECTION 1, CHAPTER 232, O.S.L. 1989 (63 O.S. SUPP. 1990, SECTION 1-1523), WHICH RELATES TO THE PROHIBITION AGAINST SMOKING IN CERTAIN PUBLIC PLACES; PROVIDING PENALTIES; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Section 3, Chapter 151, O.S.L. 1987, as amended by Section 1, Chapter 232, O.S.L. 1989 (63 O.S. Supp. 1990, Section 1-1523), is amended to read as follows:

Section 1-1523. A. No person shall smoke in a designated nonsmoking area in a public place or at a meeting of a public body.

B. A health facility or educational facility may prohibit all smoking in such facility or may designate smoking and nonsmoking areas within the facility. An educational facility in which children in grades kindergarten through twelve are educated may also prohibit smoking, the use of snuff, chewing tobacco or any other form of tobacco product in the buildings and on the grounds of the facility. In an educational facility in which children in grades kindergarten through twelve are educated, smoking areas may only be

designated for adults. Provided further, educational facilities in which children in grades kindergarten through twelve are educated which designate a smoking area within the facility shall also designate a nonsmoking area within the facility which may be used by school personnel for breaks, lunch or similar activities.

C. Any person convicted of violating subsection A or B of this section by smoking in a designated nonsmoking area in a public place, including but not limited to a health facility or educational facility, or at a meeting of a public body, shall be guilty of a misdemeanor, punishable by:

1. The imposition of a fine not to exceed One Hundred Dollars (\$100.00) on a first offense; and

2. Imprisonment in the county jail for not more than thirty (30) days, or by the imposition of a fine not to exceed Five Hundred Dollars (\$500.00), or by both such imprisonment and fine on a second or subsequent offense.

D. This section shall not apply to a room, hall or building used for a private function if the seating arrangements are under the control of the sponsor of the function and not under the control of the state or local governmental agency or the person who owns or operates the room, hall or building, or to a licensed premises that is a part of a bowling alley area, or to a racetrack licensed by the Oklahoma Racing Commission.

~~D.~~ E. This section shall not apply to areas in which prisoners are housed in municipal jails, county jails or correctional institutions as defined in Section 502 of Title 57 of the Oklahoma Statutes.

~~E.~~ F. This section shall not apply to a separate or enclosed bar area of a licensed premise, as provided in Section 241 of Title 37 of the Oklahoma Statutes, which has as its main purpose the selling or serving of nonintoxicating beverages for consumption on the premises.

SECTION 2. This act shall become effective September 1, 1991.

43-1-5017 MCD