

SHORT TITLE: Public health and safety; creating the Oklahoma Indoor Clean Air Act. Effective date.

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

SENATE BILL NO. 1164

By: Weedn

AS INTRODUCED

An Act relating to public health and safety; creating the Oklahoma Indoor Clean Air Act; stating short title; defining terms; making it illegal for certain persons to smoke in specified places; requiring specified person to make certain request; providing for failure to comply with request; providing civil penalties and enforcement power; requiring certain use of enforcement proceeds; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1531 of Title 63, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma Indoor Clean Air Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1532 of Title 63, unless there is created a duplication in numbering, reads as follows:

As used in this act:

1. "Enclosed indoor space" means all space between floor and ceiling which is enclosed by walls or windows, exclusive of doors or passageways;

2. "Place of public access" means any enclosed indoor place of business, commerce, banking, financial service, health care, educational, entertainment, or other service-related activity, whether publicly or privately owned and whether operated or not operated for profit, to which persons have general and regular access or which the public uses; and

3. "Smoking" means the possession of any lighted tobacco product in any form.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1533 of Title 63, unless there is created a duplication in numbering, reads as follows:

It shall be illegal for an individual or employee to smoke in a place of public access.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1534 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. An owner or the agent or employee of the owner of a place where smoking is prohibited pursuant to the provisions of Section 3 of this act who observes a person in possession of a lighted tobacco product in apparent violation of this act shall request the person to extinguish the tobacco product.

B. If the person fails to comply, the owner or the agent or employee of the owner shall ask the person to leave the premises.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1535 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. An individual found guilty of violating the provisions of Section 3 of this act on a first time offense shall be subject to a civil penalty of not more than One Hundred Dollars (\$100.00).

B. Any second or subsequent violation of the provisions of Section 3 of this act shall be subject to a civil penalty of not

less than One Hundred Dollars (\$100.00), and not more than Five Hundred Dollars (\$500.00).

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1536 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The State Board of Health shall promulgate rules reasonable and necessary to implement the provisions of the Oklahoma Indoor Clean Air Act.

B. The State Department of Health and local health departments shall:

1. Enforce the provisions of this act and coordinate their efforts to promote the most effective enforcement of this act; and

2. Impose the penalties pursuant to the provisions of Section 5 of this act in accordance with the provisions of this section.

All state, county and municipal law enforcement members are authorized to assist in the enforcement of the provisions of this act.

C. In enforcing this act, the State Department of Health and the local health departments shall notify persons of alleged violations of this act, conduct hearings, and impose penalties in accordance with the provisions of the Oklahoma Administrative Procedures Act.

D. Civil penalties collected pursuant to this section by the State Department of Health and local health departments shall be utilized for the prevention of smoking and related programs.

SECTION 7. This act shall become effective November 1, 1998.

46-2-1903 CJ