

SHORT TITLE: Public health and safety; state owned and operated facilities prohibition; effective date.

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

SENATE BILL NO. 60

By: Robinson

AS INTRODUCED

An Act relating to public health and safety; amending 63 O.S. 1991, Section 1-1523, as last amended by Section 51, Chapter 274, O.S.L. 1995 (63 O.S. Supp. 1996, Section 1-1523), which relates to smoking in certain places; adding state owned or operated facilities to the list of facilities in which all smoking may be prohibited; clarifying language; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 1991, Section 1-1523, as last amended by Section 51, Chapter 274, O.S.L. 1995 (63 O.S. Supp. 1996, 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, at a meeting of a public body, in a nursing facility licensed pursuant to the Nursing Home Care Act, Section 1-1901 et seq. of this title, or in a child care facility, during hours of operation, licensed pursuant to the Oklahoma Child Care Facilities Licensing Act, Section 401 et seq. of Title 10 of the Oklahoma Statutes. A nursing facility licensed pursuant to the Nursing Home Care Act may designate smoking areas for residents and their guests. Nursing facilities may designate smoking areas for

employees if such designated areas are in separate rooms that are not used by residents.

B. A health facility ~~or~~, an educational facility, or a facility owned or operated by a state or local governmental entity 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 and must be separately ventilated. 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. This section shall not apply to ~~a~~:

1. 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. This section shall not apply to areas;~~

2. 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. This section shall not apply to a; or~~

3. A separate or enclosed bar area of a licensed premises, as provided in Section 241 of Title 37 of the Oklahoma Statutes, which

has as its main purpose the selling or serving of low-point beer for consumption on the premises.

SECTION 2. This act shall become effective November 1, 1997.

46-1-0305

CJ