

ENROLLED HOUSE
BILL NO. 2529

By: Coleman, Calvey, Greenwood,
Newport, Reese, Roberts,
Staggs, Toure, Nance, Dank,
Collins, Lindley, Blackburn
and Vaughn of the House

and

Robinson and Monson of the
Senate

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. 1999, Section 1-1523), which relates to the Smoking in Public Places Act; prohibiting smoking in certain educational facilities; deleting provisions authorizing certain designated smoking areas; providing an exception; authorizing educational facilities to have more restrictive policies concerning smoking and the use of tobacco products; 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. 1999, 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 educational facility~~ may prohibit all smoking in such facility or may designate smoking and nonsmoking areas within the facility.

C. An educational facility which offers an early childhood education program or in which children in grades kindergarten through twelve are educated ~~may also~~ shall 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 by all persons including, but not limited to, full-time, part-time, and contract

employees, during the hours of 7:00 a.m. to 4:00 p.m., during the school session, or when class or any program established for students is in session. 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. An educational facility may designate smoking areas outside the buildings for the use of adults during certain activities or functions, including, but not limited to, athletic contests.

~~C.~~ 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 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.

G. Nothing in this section shall be construed to prohibit educational facilities from having more restrictive policies regarding smoking and the use of other tobacco products in the buildings or on the grounds of the facility.

SECTION 2. This act shall become effective November 1, 2000.

Passed the House of Representatives the 17th day of May, 2000.

Speaker of the House of
Representatives

Passed the Senate the 18th day of May, 2000.

President of the Senate