

EHB 2529

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THE STATE SENATE
Tuesday, April 4, 2000

ENGROSSED
House Bill No. 2529
As Amended

ENGROSSED HOUSE BILL NO. 2529 - By: COLEMAN, CALVEY, GREENWOOD,
NEWPORT, REESE, ROBERTS, STAGGS, TOURE, NANCE and DANK 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
prohibition of smoking in certain places; requiring
educational facilities offering early childhood
education programs to prohibit smoking and use of
tobacco products by all persons including employees
during certain times; allowing educational facilities
to designate smoking areas outside the buildings
during certain activities and functions; construing
section of law; 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

1 the Oklahoma Statutes. A nursing facility licensed pursuant to the
2 Nursing Home Care Act may designate smoking areas for residents and
3 their guests. Nursing facilities may designate smoking areas for
4 employees if such designated areas are in separate rooms that are
5 not used by residents.

6 B. A health facility ~~or educational facility~~ may prohibit all
7 smoking in such facility or may designate smoking and nonsmoking
8 areas within the facility.

9 C. An educational facility which offers an early childhood
10 education program or in which children in grades kindergarten
11 through twelve are educated ~~may also~~ shall prohibit smoking, the use
12 of snuff, chewing tobacco or any other form of tobacco product in
13 the buildings and on the grounds of the facility by all persons
14 including, but not limited to, full-time, part-time, and contract
15 employees, during the hours of 7:00 a.m. to 4:00 p.m., during school
16 session, or when class or any program established for students is in
17 session. ~~In an educational facility in which children in grades~~
18 ~~kindergarten through twelve are educated, smoking areas may only be~~
19 ~~designated for adults and must be separately ventilated. Provided~~
20 ~~further, educational facilities in which children in grades~~
21 ~~kindergarten through twelve are educated which designate a smoking~~
22 ~~area within the facility shall also designate a nonsmoking area~~
23 ~~within the facility which may be used by school personnel for~~

1 ~~breaks, lunch or similar activities~~ An educational facility may
2 designate smoking areas outside the buildings for the use of adults
3 during certain activities or functions, including, but not limited
4 to, athletic contests.

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

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

16 ~~E.~~ F. This section shall not apply to a separate or enclosed
17 bar area of a licensed premises, as provided in Section 241 of Title
18 37 of the Oklahoma Statutes, which has as its main purpose the
19 selling or serving of low-point beer for consumption on the
20 premises.

21 G. Nothing in this section shall be construed to prohibit
22 educational facilities from having more restrictive policies

1 regarding smoking and the use of other tobacco products in the
2 buildings or on the grounds of the facility.

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

4 COMMITTEE REPORT BY: COMMITTEE ON HUMAN RESOURCES, dated 3-30-00 -
5 DO PASS, As Amended and Coauthored.