

ENGROSSED HOUSE AMENDMENT
TO
ENGROSSED SENATE BILL NO. 1553

By: Robinson of the Senate

and

Vaughn of the House

(smoking in public areas -

effective date)

AUTHOR: Add the following House Coauthor: Cox

AMENDMENT NO. 1. Strike the stricken title, enacting clause and entire bill and insert

"An Act relating to smoking; amending 21 O.S. 2001, Section 1247, which relates to punishment for smoking in public areas; modifying list of locations in which the possession of lighted tobacco in any form is a public nuisance and dangerous to public health; prohibiting smoking in state buildings; allowing municipalities and counties to prohibit smoking in buildings under their jurisdiction; providing for designation of smoking room; specifying smoking room; modifying locations in which certain signs may be posted; amending 63 O.S. 2001, Section 1-1523, which relates to the Smoking in Public Places Act; deleting obsolete language; modifying certain exception; amending 63 O.S. 2001, Section 1-1524, which relates to designation of smoking and nonsmoking areas; conforming language concerning smoking in certain government-owned or government-operated buildings; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 21 O.S. 2001, Section 1247, is amended to read as follows:

Section 1247. A. The possession of lighted tobacco in any form is a public nuisance and dangerous to public health when such possession is in any of the following places used by or open to the public:

1. Elevators;

2. Indoor movie theaters and other indoor theaters;

3. Libraries, art galleries, museums, indoor roller skating rinks of a permanent structure with permanent walls and concert halls;

and

4. Buses; and

5. a. All buildings, or portions thereof, owned or operated by this state shall be designated as nonsmoking; however, each building may have one designated smoking room. As used in this paragraph, "buildings" shall not include up to twenty-five percent (25%) of any hotel or motel rooms rented to guests and rooms associated with the facilities in which the rooms are located in which children under twenty-one (21) years of age are not allowed if the rooms are properly ventilated so that smoke is not circulated to nonsmoking areas.

b. All buildings, or portions thereof, owned or operated by a county or municipal government, at the discretion of the county or municipal governing body, may be designated as entirely nonsmoking, may be designated as nonsmoking with one designated smoking room, or may remain under the smoking policy in effect on the effective date of this act.

c. A smoking room as provided for in subparagraphs a and b of this paragraph:

(1) shall not be used for the conduct of public business,

(2) shall be in a location which is fully enclosed, directly exhausted to the outside, under negative air pressure so smoke cannot escape when a door is opened, and no air is recirculated to nonsmoking areas of the building. No smoking exhaust shall

be located within twenty-five (25) feet of any air intake, and

(3) shall be verified for compliance with the provisions of this paragraph by the Department of Central Services for state buildings, by a county entity designated by the board of county commissioners for county buildings, or by a municipal entity designated by the municipal governing body for municipal buildings.

d. No smoking shall be allowed within twenty-five (25) feet of the entrance or exit of any building specified in this subsection.

Provided, however, that in indoor movie theaters and other indoor theaters, libraries, art galleries, museums, indoor roller skating rinks of a permanent structure with permanent walls and—concert halls, certain areas separated from the principal room or rooms of the facility may be posted as "SMOKING PERMITTED" areas; provided further, that portions of buses may be posted "SMOKING PERMITTED" if such posting is pursuant to authorization by the Interstate Commerce Commission, the Oklahoma Corporation Commission or a city ordinance.

B. There shall be posted prominently in all public places included in ~~Section 1~~ subsection A of this ~~act~~ section, a "NO SMOKING" sign or "NO SMOKING" signs in sufficient numbers as to be visible from all sections of the "no smoking" area.

C. "NO SMOKING" signs, as required by this act, shall be no smaller than eight (8) inches by ten (10) inches with lettering no smaller than one (1) inch. The letters shall be of contrasting colors to the sign.

D. Responsibility for posting "NO SMOKING" signs shall be as follows:

1. In privately owned facilities, the owner or lessee, if a lessee is in possession of the facilities, shall be responsible;

2. In corporately owned facilities, the manager and/or supervisor of the facility involved shall be responsible; and

3. In publicly owned facilities, the manager and/or supervisor of the facility shall be responsible.

E. Any person who knowingly violates this act is guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00).

SECTION 2. AMENDATORY 63 O.S. 2001, 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, or in a child care facility, during hours of operation, licensed pursuant to the Oklahoma Child Care Facilities Licensing Act. 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 may prohibit all smoking in such facility or may designate smoking and nonsmoking areas within the facility.

C. 1. Except as otherwise provided in paragraph 2 of this subsection, an educational facility which offers an early childhood education program or in which children in grades kindergarten through twelve are educated 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.

2. Career and technology centers may designate smoking areas outside of buildings, away from general traffic areas and completely

out of sight of children under eighteen (18) years of age, for use by adults attending training courses, sessions, meetings or seminars.

3. 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.

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.

E. This section shall not apply to areas in which prisoners are housed in municipal jails or county jails ~~as defined in Section 502 of Title 57 of the Oklahoma Statutes,~~ unless otherwise authorized by the municipal government or county government having jurisdiction over such facility.

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.

F. 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 3. AMENDATORY 63 O.S. 2001, Section 1-1524, is amended to read as follows:

Section 1-1524. A. Smoking and nonsmoking areas ~~shall~~ may be designated by the state or local governmental agency or the person who owns or operates a public place, except in a public place in which smoking is prohibited by law. A restaurant may have designated smoking and nonsmoking areas or may be designated as being a totally

smoking area or a totally nonsmoking area. Existing physical barriers and ventilation systems shall be used to minimize smoke in both smoking and adjacent nonsmoking areas.

B. In the case of a public place consisting of a single room, ~~the state or local governmental agency or~~ the person who owns or operates the single room shall be in compliance with this act if an area of the room is reserved and posted as a nonsmoking area.

SECTION 4. This act shall become effective July 1, 2002.

SECTION 5. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval."

Passed the House of Representatives the 9th day of April, 2002.

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2002.

Presiding Officer of the Senate