

ENGROSSED SENATE AMENDMENT  
TO  
ENGROSSED HOUSE  
BILL NO. 1636

By: Matlock of the House

and

Cain of the Senate

An Act relating to smoking in public places; amending 63 O.S. 1991, Section 1-1523, as last amended by Section 1, Chapter 229, O.S.L. 2000 (63 O.S. Supp. 2000, Section 1-1523), which relates to prohibition for smoking in certain places; modifying exemption allowing adults to smoke in an educational facility under certain circumstances; and declaring an emergency.

AMENDMENT NO. 1. Page 1, strike the title, enacting clause and entire bill and insert

"An Act relating to smoking in public places; amending 63 O.S. 1991, Section 1-1523, as last amended by Section 1, Chapter 229, O.S.L. 2000 (63 O.S. Supp. 2000, Section 1-1523), which relates to prohibition for smoking in certain places; modifying exemption allowing adults to smoke in certain facilities under certain circumstances; deleting exemption applicable to certain prisoners; and declaring an emergency.

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 1, Chapter 229, O.S.L. 2000 (63 O.S. Supp. 2000, 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 may prohibit all smoking in such facility or may designate smoking and nonsmoking areas within the facility.

C. ~~An~~ 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 ~~or correctional institutions~~ as defined in Section 502 of Title 57 of the Oklahoma Statutes.

~~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.~~ 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 2. 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 Senate the 16th day of April, 2001.

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Presiding Officer of the Senate

Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_, 2001.

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Presiding Officer of the House  
of Representatives