STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

COMMITTEE SUBSTITUTE
FOR
SENATE BILL 1553 By: Robinson

COMMITTEE SUBSTITUTE

[crimes and punishments and revenue and tax - smoking in public areas - sales tax incentive - codification -

effective date]

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~~ Indoor workplaces, excluding restaurants;

2. ~~Indoor movie theaters and other indoor theaters~~ All indoor areas of any place, excluding restaurants:

a. that are used by the general public,

b. to which the public is invited, or

c. in which the public is permitted;

3. ~~Libraries, art galleries, museums, indoor roller skating rinks of a permanent structure with permanent walls and concert halls~~ Any indoor area in any health care facility, nursing home or assisted living facility; ~~and~~

4. ~~Buses~~ Any nursery, elementary, secondary, undergraduate or postgraduate public or private school or other place of education;

5. Any indoor area in any place providing child care or adult day services, and in any senior citizen center, homeless shelter, food bank, adoption agency, or other social service establishment; and

6. Within twenty-five (25) feet of any entrance to, or fresh air intake for, any of the places 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 of this act, 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.~~

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

~~E.~~ B. 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. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1367.2 of Title 68, unless there is created a duplication in numbering, reads as follows:

Any restaurant, as defined in Section 50012 of Title 68 of the Oklahoma Statutes, voluntarily designated as a nonsmoking establishment whose owner notifies the State Department of Health of the nonsmoking designation and the owner posts a "No Smoking" insignia supplied by the State Department of Health, shall be entitled to retain an amount equal to sixteen and sixty-seven one hundredths percent (16.67%) of the amount of state sales tax due on taxable sales made by the restaurant, if such sales tax is timely remitted. Such retention shall be in addition to any amount allowed as a deduction pursuant to the provisions of Section 1367.1 of Title 68 of the Oklahoma Statutes.

SECTION 2. This act shall become effective November 1, 2002.

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