

ENROLLED SENATE  
BILL NO. 696

By: Robinson of the Senate

and

Vaughn of the House

An Act relating to public health and safety and crimes and punishments; requiring certain state agencies to begin certain discussions and to make recommendations; amending 21 O.S. 2001, Section 1247, as amended by Section 1 of Enrolled Senate Bill No. 1553 of the 2nd Session of the 48th Oklahoma Legislature, which relates to punishments for smoking in certain areas; modifying requirements related to the posting of no smoking signs; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-334 of Title 63, unless there is created a duplication in numbering, reads as follows:

Not later than November 1, 2002, the State Department of Health and the Administrative Office of the Courts shall begin discussions regarding the identification, collection and analysis of nonidentifiable aggregate data related to marriage and divorce in this state and shall make recommendations regarding alternatives to the establishment of such statistical reports to the Governor and the Legislature on or before February 1, 2003.

SECTION 2. AMENDATORY 21 O.S. 2001, Section 1247, as amended by Section 1 of Enrolled Senate Bill No. 1553 of the 2nd Session of the 48th Oklahoma Legislature, 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;

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 subsection A of this 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. The person who owns or operates a place where smoking or tobacco use is prohibited by law shall be responsible for posting a sign or decal, at least four (4) inches by two (2) inches in size, at each entrance to the building indicating that the place is smoke-free or tobacco-free.~~

~~D. C. Responsibility for posting "NO SMOKING" signs or decals 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 3. This act shall become effective July 1, 2002.

SECTION 4. 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 23rd day of May, 2002.

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Presiding Officer of the Senate

Passed the House of Representatives the 24th day of May, 2002.

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of Representatives