

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE BILL 131

By: Robinson

AS INTRODUCED

An Act relating to public health and safety; 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 the Smoking in Public Places Act; authorizing a municipality or a specified public trust to prohibit all smoking in its buildings and facilities; 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 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 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. 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. A municipality or a public trust of which a municipality is the sole beneficiary may prohibit all smoking in any of its buildings or facilities or may designate smoking and nonsmoking areas within such buildings or facilities.

E. 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 Horse Racing Commission.

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

~~F.~~ G. 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.~~ H. 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. This act shall become effective November 1, 2001.

48-1-951

CJ

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