

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

SENATE BILL 953

By: Herbert of the Senate

and

Hefner of the House

AS INTRODUCED

An Act relating to public health and safety; amending 63 O.S. 2001, Section 1-1523, which relates to the Smoking in Public Places Act; allowing district boards of education to set smoking policies for school districts; and providing an effective date.

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

SECTION 1. 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~~ paragraphs 2 and 4 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.

4. Notwithstanding any other provisions of this section of law, a district board of education shall have the option of setting smoking policies for the district. Such policies are not required to comply with the provisions of this section.

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.

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

48-2-1786

CJ

6/12/2015 11:23:51 AM