

ENGROSSED SENATE AMENDMENT
TO
ENGROSSED HOUSE
JOINT
RESOLUTION NO. 1011

By: Vaughn and Nance of the
House

and

Robinson of the Senate

(amendment to the Constitution - new Section 14 to
Article XXIII - smoking - ballot title -
filing)

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

"[smoking in public places - exempt workplaces -
smoking rooms -

effective date]

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

SECTION 1. AMENDATORY 21 O.S. 2001, Section 1247, as
last amended by Section 2, Chapter 377, O.S.L. 2002 (21 O.S. Supp.
2002, 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;
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, or 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 entrance, exit or 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~~ any entrance or, exit or air intake of any building specified in subparagraphs a and b of this subsection paragraph;

6. Other enclosed indoor workplaces except for the exemptions provided in subsections B and C of this section; and

7. Within fifteen (15) feet of any entrance, exit or air intake of any enclosed indoor workplace specified in paragraph 6 of 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. The restrictions provided in subsection A of this section shall not apply to bowling alleys or recreation centers primarily devoted to the sport of bowling, stand-alone bars and stand-alone taverns that are devoted predominantly or totally to serving alcohol or low-point beer for consumption on the licensed premises, in which the serving of food other than such beverages, if any, is merely incidental to the consumption of any such beverage and that are not located within, and do not share any common entryway or common indoor area with, any other enclosed indoor workplaces including any businesses for which the sale of food other than such beverages or

any other product or service is more than an incidental source of gross revenue.

C. The restrictions provided in subsection A of this section shall not apply to the following:

1. The room or rooms where licensed charitable bingo games are being operated, but only during the hours of operation of such games;

2. Up to twenty-five percent (25%) of the guest rooms at a hotel or other lodging establishment;

3. Retail tobacco stores predominantly engaged in the sale of tobacco products and accessories and in which the sale of other products is merely incidental;

4. Workplaces where only the owner or operator of the workplace, or the immediate family of the owner or operator, performs any work in the workplace, and the workplace has only incidental public access;

5. Workplaces occupied exclusively by one or more smokers, if the workplace has only incidental public access;

6. Private offices occupied exclusively by one or more smokers;

7. Workplaces within private residences, except that smoking shall not be allowed inside any private residence during hours that it is used as a licensed child care facility;

8. Medical research or treatment centers, if smoking is integral to the research or treatment; and

9. Any restaurant with fewer than twenty-five seats and any Veterans organizations.

D. Any indoor workplace exempted by subsections B and C of this section that is within the same building or otherwise shares an indoor space with any nonsmoking area shall be fully enclosed and exhausted directly to the outside in such a manner that no smoke can drift or circulate into a nonsmoking area, if the exempted workplace is to permit smoking.

E. An employer not otherwise restricted from doing so may elect to provide smoking rooms where no work is required to be performed provided each smoking room is fully enclosed and exhausted directly to the outside in such a manner that no smoke can drift or circulate into a nonsmoking area. No exhaust from a smoking room shall be located within fifteen (15) feet of any entrance, exit or air intake.

F. Any employer may choose a more restrictive smoking policy, including being totally smoke free.

G. 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.

~~E.~~ H. Responsibility for posting 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.~~ I. 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. This act shall become effective November 1, 2003."

and when the stricken title is restored,
amend to conform

Passed the Senate the 8th day of April, 2003.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2003.

Presiding Officer of the House
of Representatives