

1 ENGROSSED SENATE AMENDMENT  
TO  
2 ENGROSSED HOUSE  
BILL NO. 1685

By: Denney, Shelton and Sherrer  
of the House

and

Halligan of the Senate

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8 An Act relating to school health and safety; creating  
the 24/7 Tobacco-free Schools Act; providing  
9 definitions; prohibiting the use of tobacco products  
on or in educational facilities; prohibiting the use  
10 of tobacco products in school vehicles or at school  
events or activities; allowing for more restrictive  
11 policies; amending 21 O.S. 2011, Section 1247, as  
last amended by Section 1, Chapter 167, O.S.L. 2014  
12 (21 O.S. Supp. 2014, Section 1247), which relates to  
prohibition on smoking in certain public places;  
13 adding prohibition for certain educational  
facilities; amending 63 O.S. 2011, Sections 1-1522  
14 and 1-1523, as last amended by Section 2, Chapter  
167, O.S.L. 2014 (63 O.S. Supp. 2014, Section 1-  
15 1523), which relate to the Smoking in Public Places  
and Indoor Workplaces Act; modifying certain  
16 definition; changing certain prohibitions; adding  
prohibition for certain educational facilities;  
17 providing for codification; providing an effective  
date; and declaring an emergency.  
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21 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and  
entire bill and insert

22 "An Act relating to school health and safety;  
23 creating the 24/7 Tobacco-free Schools Act; providing  
definitions; prohibiting the use of tobacco products  
24 on or in educational facilities; prohibiting the use

1 of tobacco products in school vehicles or at school  
2 events or activities; allowing for more restrictive  
3 policies; amending 21 O.S. 2011, Section 1247, as  
4 last amended by Section 1, Chapter 167, O.S.L. 2014  
5 (21 O.S. Supp. 2014, Section 1247), which relates to  
6 prohibition on smoking in certain public places;  
7 adding prohibition for certain educational  
8 facilities; modifying certain penalty; amending 63  
9 O.S. 2011, Sections 1-1522 and 1-1523, as last  
10 amended by Section 2, Chapter 167, O.S.L. 2014 (63  
11 O.S. Supp. 2014, Section 1-1523), which relate to the  
12 Smoking in Public Places and Indoor Workplaces Act;  
13 modifying certain definition; changing certain  
14 prohibitions; adding prohibition for certain  
15 educational facilities; providing for codification;  
16 providing an effective date; and declaring an  
17 emergency.

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

19 SECTION 1. NEW LAW A new section of law to be codified  
20 in the Oklahoma Statutes as Section 1210.211 of Title 70, unless  
21 there is created a duplication in numbering, reads as follows:

22 Sections 2 and 3 of this act shall be known and may be cited as  
23 the "24/7 Tobacco-free Schools Act".

24 SECTION 2. NEW LAW A new section of law to be codified  
25 in the Oklahoma Statutes as Section 1210.212 of Title 70, unless  
26 there is created a duplication in numbering, reads as follows:

27 As used in the 24/7 Tobacco-free Schools Act:

28 1. "Chewing tobacco" means any Cavendish, twist, plug, scrap,  
29 and any other kinds and forms of tobacco suitable for chewing;

30 2. "Educational facility" shall mean any property, building,  
31 permanent structure, facility, auditorium, stadium, arena or

1 recreational facility owned, leased or under the control of a public  
2 school district or private school located in the state. For  
3 purposes of this act, a public school district shall not include a  
4 technology center school district;

5 3. "School vehicle" means any transportation equipment or  
6 auxiliary transportation equipment as defined in Section 9-104 of  
7 Title 70 of the Oklahoma Statutes;

8 4. "Smoking tobacco" shall mean any granulated, plug cut, crimp  
9 cut, ready rubbed, and any other kinds and forms of tobacco suitable  
10 for smoking in a pipe or cigarette; and

11 5. "Tobacco product" shall mean any bidis, cigars, cheroots,  
12 stogies, smoking tobacco and chewing tobacco, however prepared.  
13 Tobacco products shall include any other articles or products made  
14 of tobacco or any substitute thereof.

15 SECTION 3. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 1210.213 of Title 70, unless  
17 there is created a duplication in numbering, reads as follows:

18 A. The use of a tobacco product shall be prohibited in or on an  
19 educational facility that offers an early childhood education  
20 program or in which children in grades kindergarten through twelve  
21 are educated. The use of a tobacco product shall also be prohibited  
22 in school vehicles, and at any school-sponsored or school-sanctioned  
23 event or activity.  
24

1 B. Nothing in this section shall be construed to prohibit a  
2 public school district or private school from having more  
3 restrictive policies regarding tobacco products in or on an  
4 educational facility, in school vehicles and at any school-sponsored  
5 or school-sanctioned event or activity.

6 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1247, as  
7 last amended by Section 1, Chapter 167, O.S.L. 2014 (21 O.S. Supp.  
8 2014, Section 1247), is amended to read as follows:

9 Section 1247. A. The possession of lighted tobacco in any form  
10 is a public nuisance and dangerous to public health and is hereby  
11 prohibited when such possession is in any indoor place used by or  
12 open to the public, all parts of a zoo to which the public may be  
13 admitted, whether indoors or outdoors, public transportation, or any  
14 indoor workplace, except where specifically allowed by law.  
15 Commercial airport operators may prohibit the use of lighted tobacco  
16 in any area that is open to or used by the public whether located  
17 indoors or outdoors, provided that the outdoor area is within one  
18 hundred seventy-five (175) feet from an entrance.

19 As used in this section, "indoor workplace" means any indoor  
20 place of employment or employment-type service for or at the request  
21 of another individual or individuals, or any public or private  
22 entity, whether part-time or full-time and whether for compensation  
23 or not. Such services shall include, without limitation, any  
24 service performed by an owner, employee, independent contractor,

1 agent, partner, proprietor, manager, officer, director, apprentice,  
2 trainee, associate, servant or volunteer. An indoor workplace  
3 includes work areas, employee lounges, restrooms, conference rooms,  
4 classrooms, employee cafeterias, hallways, any other spaces used or  
5 visited by employees, and all space between a floor and ceiling that  
6 is predominantly or totally enclosed by walls or windows, regardless  
7 of doors, doorways, open or closed windows, stairways, or the like.  
8 The provisions of this section shall apply to such indoor workplace  
9 at any given time, whether or not work is being performed.

10 B. All buildings and other properties, or portions thereof,  
11 owned or operated by this state shall be designated as nonsmoking.  
12 The provisions of this subsection shall not apply to veterans  
13 centers operated by this state pursuant to the provisions of Section  
14 221 et seq. of Title 72 of the Oklahoma Statutes, which shall be  
15 designated nonsmoking effective January 1, 2015, at which time  
16 veterans centers may establish outdoor designated smoking areas for  
17 resident veterans only. Smoking shall only be allowed in designated  
18 outdoor smoking areas until January 1, 2018. Each veterans center  
19 described in this subsection shall be entirely nonsmoking no later  
20 than January 1, 2018.

21 C. All buildings and other properties, or portions thereof,  
22 owned or operated by a county or municipal government, at the  
23 discretion of the county or municipal governing body, may be  
24 designated as entirely nonsmoking.

1 D. All ~~buildings, or portions thereof, owned by an educational~~  
2 ~~facility~~ facilities or portions thereof as ~~is~~ defined in the Smoking  
3 in Public Places and Indoor Workplaces Act and all educational  
4 facilities as defined in the 24/7 Tobacco-free Schools Act shall be  
5 designated as nonsmoking as provided for in Section 1-1523 of Title  
6 63 of the Oklahoma Statutes. All campuses, buildings and grounds,  
7 or portions thereof, owned or operated by an institution within The  
8 Oklahoma State System of Higher Education may be designated as  
9 tobacco free, including smoking or smokeless tobacco, by the  
10 institution upon adoption of a policy stating the tobacco  
11 restrictions for the institution and an intent to enforce the  
12 penalty for violations as set forth in subsection M of this section.

13 E. No smoking shall be allowed within twenty-five (25) feet of  
14 the entrance or exit of any building specified in subsection B, C or  
15 D of this section.

16 F. The restrictions provided in this section shall not apply to  
17 stand-alone bars, stand-alone taverns and cigar bars as defined in  
18 Section 1-1522 of Title 63 of the Oklahoma Statutes.

19 G. The restrictions provided in this section shall not apply to  
20 the following:

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

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

3           3. Retail tobacco stores predominantly engaged in the sale of  
4 tobacco products and accessories and in which the sale of other  
5 products is merely incidental and in which no food or beverage is  
6 sold or served for consumption on the premises;

7           4. Workplaces where only the owner or operator of the  
8 workplace, or the immediate family of the owner or operator,  
9 performs any work in the workplace, and the workplace has only  
10 incidental public access. "Incidental public access" means that a  
11 place of business has only an occasional person, who is not an  
12 employee, present at the business to transact business or make a  
13 delivery. It does not include businesses that depend on walk-in  
14 customers for any part of their business;

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

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

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

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

23           9. A facility operated by a post or organization of past or  
24 present members of the Armed Forces of the United States which is

1 exempt from taxation pursuant to Section 501(c)(8), 501(c)(10) or  
2 501(c)(19) of the Internal Revenue Code, 26 U.S.C., Section  
3 501(c)(8), 501(c)(10) or 501(c)(19), when such facility is utilized  
4 exclusively by its members and their families and for the conduct of  
5 post or organization nonprofit operations except during an event or  
6 activity which is open to the public; and

7 10. Any outdoor seating area of a restaurant; provided, smoking  
8 shall not be allowed within fifteen (15) feet of any exterior public  
9 doorway or any air intake of a restaurant.

10 H. An employer not otherwise restricted from doing so may elect  
11 to provide smoking rooms where no work is performed except for  
12 cleaning and maintenance during the time the room is not in use for  
13 smoking, provided each smoking room is fully enclosed and exhausted  
14 directly to the outside in such a manner that no smoke can drift or  
15 circulate into a nonsmoking area. No exhaust from a smoking room  
16 shall be located within fifteen (15) feet of any entrance, exit or  
17 air intake.

18 I. If smoking is to be permitted in any space exempted in  
19 subsection F or G of this section or in a smoking room pursuant to  
20 subsection H of this section, such smoking space must either occupy  
21 the entire enclosed indoor space or, if it shares the enclosed space  
22 with any nonsmoking areas, the smoking space shall be fully  
23 enclosed, exhausted directly to the outside with no air from the  
24 smoking space circulated to any nonsmoking area, and under negative



1 air pressure so that no smoke can drift or circulate into a  
2 nonsmoking area when a door to an adjacent nonsmoking area is  
3 opened. Air from a smoking room shall not be exhausted within  
4 fifteen (15) feet of any entrance, exit or air intake. Any employer  
5 may choose a more restrictive smoking policy, including being  
6 totally smoke free.

7 J. Notwithstanding any other provision of this section, until  
8 March 1, 2006, restaurants may have designated smoking and  
9 nonsmoking areas or may be designated as being a totally nonsmoking  
10 area. Beginning March 1, 2006, restaurants shall be totally  
11 nonsmoking or may provide nonsmoking areas and designated smoking  
12 rooms. Food and beverage may be served in such designated smoking  
13 rooms which shall be in a location which is fully enclosed, directly  
14 exhausted to the outside, under negative air pressure so smoke  
15 cannot escape when a door is opened, and no air is recirculated to  
16 nonsmoking areas of the building. No exhaust from such room shall  
17 be located within twenty-five (25) feet of any entrance, exit or air  
18 intake. Such room shall be subject to verification for compliance  
19 with the provisions of this subsection by the State Department of  
20 Health.

21 K. The person who owns or operates a place where smoking or  
22 tobacco use is prohibited by law shall be responsible for posting a  
23 sign or decal, at least four (4) inches by two (2) inches in size,  
24

1 at each entrance to the building indicating that the place is smoke-  
2 free or tobacco-free.

3 L. Responsibility for posting signs or decals shall be as  
4 follows:

5 1. In privately owned facilities, the owner or lessee, if a  
6 lessee is in possession of the facilities, shall be responsible;

7 2. In corporately owned facilities, the manager and/or  
8 supervisor of the facility involved shall be responsible; and

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

11 M. Any person who knowingly violates the provisions of this  
12 section ~~is guilty of a misdemeanor, and upon conviction thereof,~~  
13 shall be punished by a citation and fine of not ~~less than Ten~~  
14 ~~Dollars (\$10.00) nor~~ more than One Hundred Dollars (\$100.00).

15 SECTION 5. AMENDATORY 63 O.S. 2011, Section 1-1522, is  
16 amended to read as follows:

17 Section 1-1522. As used in this act:

18 1. "Educational facility" means a building owned, leased or  
19 under the control of a technology center school district or a public  
20 or private ~~school system,~~ college or university;

21 2. "Health facility" means an entity which provides health  
22 services, including, but not limited to, hospitals, nursing homes,  
23 long-term care facilities, kidney disease treatment centers, health  
24 maintenance organizations and ambulatory treatment centers;

1           3. "Indoor workplace" means any indoor place of employment or  
2 employment-type service for or at the request of another individual  
3 or individuals, or any public or private entity, whether part-time  
4 or full-time and whether for compensation or not. Such services  
5 shall include, without limitation, any service performed by an  
6 owner, employee, independent contractor, agent, partner, proprietor,  
7 manager, officer, director, apprentice, trainee, associate, servant  
8 or volunteer. An indoor workplace includes work areas, employee  
9 lounges, restrooms, conference rooms, classrooms, employee  
10 cafeterias, hallways, any other spaces used or visited by employees,  
11 and all space between a floor and ceiling that is predominantly or  
12 totally enclosed by walls or windows, regardless of doors, doorways,  
13 open or closed windows, stairways, or the like. The provisions of  
14 this section shall apply to such indoor workplace at any given time,  
15 whether or not work is being performed;

16           4. "Meeting" means a meeting as defined in the Oklahoma Open  
17 Meeting Act;

18           5. "Public body" means a public body as defined in the Oklahoma  
19 Open Meeting Act;

20           6. "Public place" means any enclosed indoor area where  
21 individuals other than employees are invited or permitted;

22           7. "Restaurant" means any eating establishment regardless of  
23 seating capacity;

1 8. "Smoking" means the carrying by a person of a lighted cigar,  
2 cigarette, pipe or other lighted smoking device; and

3 9. "Stand-alone bar", "stand-alone tavern", and "cigar bar"  
4 mean an establishment that derives more than sixty percent (60%) of  
5 its gross receipts, subject to verification by competent authority,  
6 from the sale of alcoholic beverages and low-point beer and no  
7 person under twenty-one (21) years of age is admitted, except for  
8 members of a musical band employed or hired as provided in paragraph  
9 2 of subsection B of Section 537 of Title 37 of the Oklahoma  
10 Statutes and that is not located within, and does not share any  
11 common entryway or common indoor area with, any other enclosed  
12 indoor workplace, including a restaurant.

13 SECTION 6. AMENDATORY 63 O.S. 2011, Section 1-1523, as  
14 last amended by Section 2, Chapter 167, O.S.L. 2014 (63 O.S. Supp.  
15 2014, Section 1-1523), is amended to read as follows:

16 Section 1-1523. A. Except as specifically provided in the  
17 Smoking in Public Places and Indoor Workplaces Act, no person shall  
18 smoke in a public place, in any part of a zoo to which the public  
19 may be admitted, whether indoors or outdoors, in an indoor  
20 workplace, in any vehicle providing public transportation, at a  
21 meeting of a public body, in a nursing facility licensed pursuant to  
22 the Nursing Home Care Act, or in a child care facility licensed  
23 pursuant to the Oklahoma Child Care Facilities Licensing Act. A  
24 nursing facility licensed pursuant to the Nursing Home Care Act may

1 designate smoking rooms for residents and their guests. Such rooms  
2 shall be fully enclosed, directly exhausted to the outside, and  
3 shall be under negative air pressure so that no smoke can escape  
4 when a door is opened and no air is recirculated to nonsmoking areas  
5 of the building. Commercial airport operators may prohibit the use  
6 of lighted tobacco in any area that is open to or used by the public  
7 whether located indoors or outdoors, provided that the outdoor area  
8 is within one hundred seventy-five (175) feet from an entrance.

9 B. 1. Except as otherwise provided in paragraph 2 of this  
10 subsection, ~~an educational facility~~ a technology center school  
11 district which offers an early childhood education program or in  
12 which children in grades kindergarten through twelve are educated  
13 shall prohibit smoking, the use of snuff, chewing tobacco or any  
14 other form of tobacco product in the educational facility buildings  
15 and on the grounds of the facility by all persons including, but  
16 not limited to, full-time, part-time, and contract employees,  
17 during the hours of 7:00 a.m. to 4:00 p.m., during the school  
18 session, or when class or any program established for students is  
19 in session.

20 2. ~~Career and A~~ technology centers center school district may  
21 designate smoking areas outside of buildings, away from general  
22 traffic areas and completely out of sight of children under eighteen  
23 (18) years of age, for use by adults attending training courses,  
24 sessions, meetings or seminars.

1           3. ~~An educational facility~~ A technology center school district  
2 or college or university may designate smoking areas outside the  
3 educational facility buildings for the use of adults during certain  
4 activities or functions, including, but not limited to, athletic  
5 contests.

6           4. Smoking shall be prohibited in an educational facility as  
7 defined in the 24/7 Tobacco-free Schools Act and as provided for in  
8 Section 3 of this act.

9           C. Nothing in this section shall be construed to prohibit  
10 educational facilities from having more restrictive policies  
11 regarding smoking and the use of other tobacco products in the  
12 buildings or on the grounds of the facility.

13           D. A private residence is not a "public place" within the  
14 meaning of the Smoking in Public Places and Indoor Workplaces Act  
15 except that areas in a private residence that are used as a licensed  
16 child care facility during hours of operation are "public places"  
17 within the meaning of the Smoking in Public Places and Indoor  
18 Workplaces Act.

19           E. Smoking is prohibited in all vehicles owned by the State of  
20 Oklahoma and all of its agencies and instrumentalities.

21           F. Veterans centers operated by this state pursuant to the  
22 provisions of Section 221 et seq. of Title 72 of the Oklahoma  
23 Statutes shall be designated nonsmoking effective January 1, 2015,  
24 at which time veterans centers may establish outdoor designated

1 smoking areas for resident veterans only. Smoking shall only be  
2 allowed in designated outdoor smoking areas until January 1, 2018.  
3 Each veterans center described in this subsection shall be entirely  
4 nonsmoking no later than January 1, 2018.

5 G. An employer not otherwise restricted from doing so may elect  
6 to provide smoking rooms where no work is performed except for  
7 cleaning and maintenance during the time the room is not in use for  
8 smoking, provided each smoking room is fully enclosed and exhausted  
9 directly to the outside, in such manner that no smoke can drift or  
10 circulate into a nonsmoking area. No exhaust from a smoking room  
11 shall be located within fifteen (15) feet of any entrance, exit or  
12 air intake. If smoking is to be permitted in any space exempted in  
13 subsection G H of this section or in a smoking room pursuant to  
14 subsection H I of this section, such smoking space must either  
15 occupy the entire enclosed indoor space or, if it shares the  
16 enclosed space with any nonsmoking areas, the smoking space shall be  
17 fully enclosed, exhausted directly to the outside with no air from  
18 the smoking space circulated to any nonsmoking area, and under  
19 negative air pressure so that no smoke can drift or circulate into a  
20 nonsmoking area when a door to an adjacent nonsmoking area is  
21 opened. Air from a smoking room shall not be exhausted within  
22 fifteen (15) feet of any entrance, exit or air intake.

23 H. The Smoking in Public Places and Indoor Workplaces Act shall  
24 not prohibit smoking in:

1 1. Stand-alone bars, stand-alone taverns or cigar bars;

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

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

7 4. Retail tobacco stores predominantly engaged in the sale of  
8 tobacco products and accessories and in which the sale of other  
9 products is merely incidental and in which no food or beverage is  
10 sold or served for consumption on the premises;

11 5. Workplaces where only the owner or operator of the  
12 workplace, or the immediate family of the owner or operator,  
13 performs any work in the workplace, and the workplace has only  
14 incidental public access;

15 6. Workplaces occupied exclusively by one or more smokers, if  
16 the workplace has only incidental public access. "Incidental public  
17 access" means that a place of business has only an occasional  
18 person, who is not an employee, present at the business to transact  
19 business or make a delivery. It does not include businesses that  
20 depend on walk-in customers for any part of their business;

21 7. Private offices occupied exclusively by one or more smokers;

22 8. Workplaces within private residences, except that smoking  
23 shall not be allowed inside any private residence that is used as a  
24 licensed child care facility during hours of operation;



1 9. A facility operated by a post or organization of past or  
2 present members of the Armed Forces of the United States which is  
3 exempt from taxation pursuant to Sections 501 (c) (8), 501 (c) (10) or  
4 501 (c) (19) of the Internal Revenue Code, 26 U.S.C., Section 501  
5 (c) (8), 501 (c) (10) or 501 (c) (19), when such facility is utilized  
6 exclusively by its members and their families and for the conduct of  
7 post or organization nonprofit operations except during an event or  
8 activity which is open to the public;

9 10. Any outdoor seating area of a restaurant; provided, smoking  
10 shall not be allowed within fifteen (15) feet of any exterior public  
11 doorway or any air intake of a restaurant; and

12 11. Medical research or treatment centers, if smoking is  
13 integral to the research or treatment.

14 I. Notwithstanding any other provision of the Smoking in Public  
15 Places and Indoor Workplaces Act, until March 1, 2006, restaurants  
16 may have designated smoking and nonsmoking areas or may be  
17 designated as being a totally nonsmoking area. Beginning March 1,  
18 2006, restaurants shall be totally nonsmoking or may provide  
19 nonsmoking areas and designated smoking rooms. Food and beverage  
20 may be served in such designated smoking rooms which shall be in a  
21 location which is fully enclosed, directly exhausted to the outside,  
22 under negative air pressure so smoke cannot escape when a door is  
23 opened, and no air is recirculated to nonsmoking areas of the  
24 building. No exhaust from such room shall be located within twenty-

1 five (25) feet of any entrance, exit or air intake. Such room shall  
2 be subject to verification for compliance with the provisions of  
3 this subsection by the State Department of Health.

4 SECTION 7. This act shall become effective July 1, 2015.

5 SECTION 8. It being immediately necessary for the preservation  
6 of the public peace, health and safety, an emergency is hereby  
7 declared to exist, by reason whereof this act shall take effect and  
8 be in full force from and after its passage and approval."

9 Passed the Senate the 1st day of April, 2015.

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11 \_\_\_\_\_  
12 Presiding Officer of the Senate

13 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
14 2015.

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16 \_\_\_\_\_  
17 Presiding Officer of the House  
18 of Representatives  
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