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

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

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

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

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

12 2. "Educational facility" means any property, building,
13 permanent structure, facility, auditorium, stadium, arena or
14 recreational facility owned, leased or under the control of a public
15 school district or private school located in the state. For
16 purposes of this act, a public school district shall not include a
17 technology center school district;

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

21 4. "Smoking tobacco" means any granulated, plug cut, crimp cut,
22 ready rubbed, and any other kinds and forms of tobacco suitable for
23 smoking in a pipe or cigarette; and

1 5. "Tobacco product" means any bidis, cigars, cheroots,
2 stogies, smoking tobacco and chewing tobacco, however prepared.
3 Tobacco products shall include any other articles or products made
4 of tobacco.

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

8 A. The use of a tobacco product shall be prohibited in or on an
9 educational facility that offers an early childhood education
10 program or in which children in grades kindergarten through twelve
11 are educated. The use of a tobacco product shall also be prohibited
12 in school vehicles and at any school-sponsored or school-sanctioned
13 event or activity.

14 B. Nothing in this section shall be construed to prohibit a
15 public school district or private school from having more
16 restrictive policies regarding tobacco products in or on an
17 educational facility, in school vehicles and at any school-sponsored
18 or school-sanctioned event or activity.

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

22 Section 1247. A. The possession of lighted tobacco in any form
23 is a public nuisance and dangerous to public health and is hereby

1 prohibited when such possession is in any indoor place used by or
2 open to the public, all parts of a zoo to which the public may be
3 admitted, whether indoors or outdoors, public transportation, or any
4 indoor workplace, except where specifically allowed by law.

5 Commercial airport operators may prohibit the use of lighted tobacco
6 in any area that is open to or used by the public whether located
7 indoors or outdoors, provided that the outdoor area is within one
8 hundred seventy-five (175) feet from an entrance.

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

1 B. All buildings and other properties, or portions thereof,
2 owned or operated by this state shall be designated as nonsmoking.
3 The provisions of this subsection shall not apply to veterans
4 centers operated by this state pursuant to the provisions of Section
5 221 et seq. of Title 72 of the Oklahoma Statutes, which shall be
6 designated nonsmoking effective January 1, 2015, at which time
7 veterans centers may establish outdoor designated smoking areas for
8 resident veterans only. Smoking shall only be allowed in designated
9 outdoor smoking areas until January 1, 2018. Each veterans center
10 described in this subsection shall be entirely nonsmoking no later
11 than January 1, 2018.

12 C. All buildings and other properties, or portions thereof,
13 owned or operated by a county or municipal government, at the
14 discretion of the county or municipal governing body, may be
15 designated as entirely nonsmoking.

16 D. All ~~buildings, or portions thereof, owned by an~~ educational
17 ~~facility~~ facilities or portions thereof as ~~is~~ defined in the Smoking
18 in Public Places and Indoor Workplaces Act and all educational
19 facilities as defined in the 24/7 Tobacco-free Schools Act shall be
20 designated as nonsmoking as provided for in Section 1-1523 of Title
21 63 of the Oklahoma Statutes. All campuses, buildings and grounds,
22 or portions thereof, owned or operated by an institution within The
23 Oklahoma State System of Higher Education ~~may~~ shall be designated as

1 tobacco free, including smoking or smokeless tobacco, by the
2 institution upon adoption of a policy stating the tobacco
3 restrictions for the institution and an intent to enforce the
4 penalty for violations as set forth in subsection M of this section.

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

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

11 G. The restrictions provided in this section shall not apply to
12 the following:

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

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

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

22 4. Workplaces where only the owner or operator of the
23 workplace, or the immediate family of the owner or operator,
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1 performs any work in the workplace, and the workplace has only
2 incidental public access. "Incidental public access" means that a
3 place of business has only an occasional person, who is not an
4 employee, present at the business to transact business or make a
5 delivery. It does not include businesses that depend on walk-in
6 customers for any part of their business;

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

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

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

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

15 9. A facility operated by a post or organization of past or
16 present members of the Armed Forces of the United States which is
17 exempt from taxation pursuant to Section 501(c)(8), 501(c)(10) or
18 501(c)(19) of the Internal Revenue Code, 26 U.S.C., Section
19 501(c)(8), 501(c)(10) or 501(c)(19), when such facility is utilized
20 exclusively by its members and their families and for the conduct of
21 post or organization nonprofit operations except during an event or
22 activity which is open to the public; and

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

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

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

1 may choose a more restrictive smoking policy, including being
2 totally smoke free.

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

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

22 L. Responsibility for posting signs or decals shall be as
23 follows:
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1 1. In privately owned facilities, the owner or lessee, if a
2 lessee is in possession of the facilities, shall be responsible;

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

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

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

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

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

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

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

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

13 4. "Meeting" means a meeting as defined in the Oklahoma Open
14 Meeting Act;

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

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

19 7. "Restaurant" means any eating establishment regardless of
20 seating capacity;

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

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

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

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

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

19 2. ~~Career and~~ A technology centers center school district may
20 designate smoking areas outside of buildings, away from general
21 traffic areas and completely out of sight of children under eighteen
22 (18) years of age, for use by adults attending training courses,
23 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,
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1 at which time veterans centers may establish outdoor designated
2 smoking areas for resident veterans only. Smoking shall only be
3 allowed in designated outdoor smoking areas until January 1, 2018.
4 Each veterans center described in this subsection shall be entirely
5 nonsmoking no later than January 1, 2018.

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

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

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

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

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

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

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

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

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

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

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

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

15 11. Medical research or treatment centers, if smoking is
16 integral to the research or treatment.

17 I. Notwithstanding any other provision of the Smoking in Public
18 Places and Indoor Workplaces Act, until March 1, 2006, restaurants
19 may have designated smoking and nonsmoking areas or may be
20 designated as being a totally nonsmoking area. Beginning March 1,
21 2006, restaurants shall be totally nonsmoking or may provide
22 nonsmoking areas and designated smoking rooms. Food and beverage
23 may be served in such designated smoking rooms which shall be in a

1 location which is fully enclosed, directly exhausted to the outside,
2 under negative air pressure so smoke cannot escape when a door is
3 opened, and no air is recirculated to nonsmoking areas of the
4 building. No exhaust from such room shall be located within twenty-
5 five (25) feet of any entrance, exit or air intake. Such room shall
6 be subject to verification for compliance with the provisions of
7 this subsection by the State Department of Health.

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

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

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14 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 03/17/2015
15 - DO PASS, As Coauthored.
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