MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Clark

To: Public Health and Human Services; Judiciary B

HOUSE BILL NO. 245

AN ACT TO CREATE THE MISSISSIPPI SMOKE-FREE AIR ACT OF 2021; TO EXPRESS CERTAIN LEGISLATIVE FINDINGS REGARDING THE EFFECTS OF SECONDHAND SMOKE AND OTHER RISKS OF SMOKING; TO DEFINE CERTAIN TERMS; TO PROHIBIT SMOKING IN ENCLOSED PUBLIC PLACES AND PLACES OF EMPLOYMENT, IN PRIVATE CLUBS, IN ENCLOSED RESIDENTIAL FACILITIES AND IN CERTAIN OUTDOOR PUBLIC PLACES AND PLACES OF EMPLOYMENT; TO AUTHORIZE PERSONS TO VOLUNTARILY DESIGNATE AREAS WITHIN THEIR CONTROL AS SMOKE-FREE PLACES; TO PRESCRIBE THE MINIMUM REQUIREMENTS FOR PERSONS IN CONTROL OF AREAS TO BE IN COMPLIANCE WITH THIS ACT; TO REQUIRE PERSONS IN CONTROL OF AREAS TO POST "NO SMOKING" SIGNS AT ALL ENTRANCES TO AREAS WHERE SMOKING IS PROHIBITED; TO AUTHORIZE THE STATE BOARD OF HEALTH TO ADOPT RULES AND REGULATIONS TO IMPLEMENT THIS ACT; TO PROVIDE FOR ENFORCEMENT OF THIS ACT; TO AUTHORIZE CERTAIN OFFICIALS AND OTHER PERSONS TO APPLY FOR INJUNCTIVE RELIEF IN COURT TO ENFORCE THE ACT; TO PROVIDE PENALTIES FOR VIOLATIONS; TO ALLOW POLITICAL SUBDIVISIONS TO ADOPT LOCAL ORDINANCES RELATING TO SMOKING THAT ARE MORE RESTRICTIVE THAN THIS ACT; TO DIRECT THE STATE DEPARTMENT OF HEALTH TO ENGAGE IN A CONTINUING PROGRAM TO EXPLAIN AND CLARIFY THE PURPOSES AND REQUIREMENTS OF THIS ACT TO CITIZENS AFFECTED BY IT, AND TO GUIDE OWNERS, OPERATORS, AND MANAGERS IN THEIR COMPLIANCE WITH IT; TO REPEAL SECTIONS 29-5-160 THROUGH 29-5-163, MISSISSIPPI CODE OF 1972, WHICH ARE THE MISSISSIPPI CLEAN INDOOR AIR ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. This act shall be known and may be cited as the "Mississippi Smoke-Free Air Act of 2021."

SECTION 2. The Legislature finds that:

(a) The 2006 U.S. Surgeon General's Report, *The Health Consequences of Involuntary Exposure to Tobacco Smoke*, has concluded that: (i) secondhand smoke exposure causes disease and premature death in children and adults who do not smoke; (ii) children exposed to secondhand smoke are at an increased risk for sudden infant death syndrome (SIDS), acute respiratory problems, ear infections, and asthma attacks, and that smoking by parents causes respiratory symptoms and slows lung growth in their children; (iii) exposure of adults to secondhand smoke has immediate adverse effects on the cardiovascular system and causes coronary heart disease and lung cancer; (iv) there is no risk-free level of exposure to secondhand smoke; (v) establishing smokefree workplaces is the only effective way to ensure that secondhand smoke exposure does not occur in the workplace, because ventilation and other air cleaning technologies cannot completely control for exposure of nonsmokers to secondhand smoke; and (vi) evidence from peer-reviewed studies shows that smokefree policies and laws do not have an adverse economic impact on the hospitality industry. According to the 2010 U.S. Surgeon General's Report, *How Tobacco Smoke Causes Disease*, even occasional exposure to secondhand smoke is harmful and low levels of exposure to secondhand tobacco smoke lead to a rapid and sharp increase in dysfunction and inflammation of the lining of the blood vessels, which are implicated in heart attacks and stroke.

(b) Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke (also known as environmental tobacco smoke) is a cause of disease in healthy nonsmokers, including heart disease, stroke, respiratory disease, and lung cancer. The National Cancer Institute determined in 1999 that secondhand smoke is responsible for the early deaths of approximately fifty-three thousand (53,000) Americans annually.

(c) The Public Health Service's National Toxicology Program (NTP) has listed secondhand smoke as a known carcinogen.

(d) Based on a finding by the California Environmental Protection Agency in 2005, the California Air Resources Board has determined that secondhand smoke is a toxic air contaminant, finding that exposure to secondhand smoke has serious health effects, including: low birth-weight babies; sudden infant death syndrome (SIDS); increased respiratory infections in children; asthma in children and adults; lung cancer, sinus cancer, and breast cancer in younger, premenopausal women; heart disease; and death.

(e) There is indisputable evidence that implementing one hundred percent (100%) smokefree environments is the only effective way to protect the population from the harmful effects of exposure to secondhand smoke.

(f) In reviewing eleven (11) studies concluding that communities see an immediate reduction in heart attack admissions

after the implementation of comprehensive smokefree laws, the Institute of Medicine of the National Academies concluded that data consistently demonstrate that secondhand smoke exposure increases the risk of coronary heart disease and heart attacks and that smokefree laws reduce heart attacks.

(g) A significant amount of secondhand smoke exposure occurs in the workplace. Employees who work in smoke-filled businesses suffer a twenty-five to fifty percent (25-50%) higher risk of heart attack and higher rates of death from cardiovascular disease and cancer, as well as increased acute respiratory disease and measurable decrease in lung function.

(h) Studies measuring cotinine (metabolized nicotine) and NNAL (metabolized nitrosamine NNK, a tobacco-specific carcinogen linked to lung cancer) in hospitality workers find dramatic reductions in the levels of these biomarkers after a smokefree law takes effect. Average cotinine levels of New York City restaurant and bar workers decreased by eighty-five percent (85%) after the city's smokefree law went into effect. After the implementation of Ontario, Canada's Smokefree Indoor Air Law, levels of NNAL were reduced by fifty-two percent (52%) in nonsmoking casino employees and cotinine levels fell by ninety-eight percent (98%).

(i) Following a Health Hazard Evaluation of Las Vegas casino employees' secondhand smoke exposure in the workplace, which included indoor air quality tests and biomarker assessments,

the National Institute of Occupational Safety and Health (NIOSH) concluded that the casino employees are exposed to dangerous levels of secondhand smoke at work and that their bodies absorb high levels of tobacco-specific chemicals NNK and cotinine during work shifts. NIOSH also concluded that the "best means of eliminating workplace exposure to [secondhand smoke] is to ban all smoking in the casinos."

(j) Secondhand smoke is particularly hazardous to elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease. The Americans With Disabilities Act, which requires that disabled persons have access to public places and workplaces, deems impaired respiratory function to be a disability.

(k) The U.S. Centers for Disease Control and Prevention has determined that the risk of acute myocardial infarction and coronary heart disease associated with exposure to tobacco smoke is nonlinear at low doses, increasing rapidly with relatively small doses such as those received from secondhand smoke or actively smoking one (1) or two (2) cigarettes a day, and has warned that all patients at increased risk of coronary heart disease or with known coronary artery disease should avoid all indoor environments that permit smoking.

(l) Given the fact that there is no safe level of exposure to secondhand smoke, the American Society of Heating,

Refrigerating and Air Conditioning Engineers (ASHRAE) bases its ventilation standards on totally smokefree environments. ASHRAE has determined that there is currently no air filtration or other ventilation technology that can completely eliminate all the carcinogenic components in secondhand smoke and the health risks caused by secondhand smoke exposure, and the society recommends that indoor environments be smoke-free in their entirety.

(m) During periods of active smoking, peak and average outdoor tobacco smoke (OTS) levels measured in outdoor cafes and restaurant and bar patios near smokers rival indoor tobacco smoke concentrations. Nonsmokers who spend six-hour periods in outdoor smoking sections of bars and restaurants experience a significant increase in levels of cotinine when compared to the cotinine levels in a smoke-free outdoor area.

(n) Residual tobacco contamination, or "thirdhand smoke," from cigarettes, cigars, and other tobacco products is left behind after smoking occurs and builds up on surfaces and furnishings. This residue can linger in spaces long after smoking has ceased and continue to expose people to tobacco toxins. Sticky, highly toxic particulate matter, including nicotine, can cling to walls and ceilings. Gases can be absorbed into carpets, draperies, and other upholsteries, and then be reemitted (off-gassed) back into the air and recombine to form harmful compounds. Tobacco residue is noticeably present in dust throughout places where smoking has occurred. Given the rapid

absorption and persistence of high levels of residual nicotine from tobacco smoke on indoor surfaces, including clothing and human skin, this recently identified process represents an unappreciated health hazard through dermal exposure, dust inhalation, and ingestion.

(o) Unregulated high-tech smoking devices, commonly referred to as electronic cigarettes, or "e-cigarettes," closely resemble and purposefully mimic the act of smoking by having users inhale vaporized liquid nicotine created by heat through an electronic ignition system. After testing a number of e-cigarettes from two leading manufacturers, the Food and Drug Administration (FDA) determined that various samples tested contained not only nicotine but also detectable levels of known carcinogens and toxic chemicals, including tobacco-specific nitrosamines and diethylene glycol, a toxic chemical used in antifreeze. The FDA's testing also suggested that "quality control processes used to manufacture these products are inconsistent or nonexistent." E-cigarettes produce a vapor of undetermined and potentially harmful substances, which may appear similar to the smoke emitted by traditional tobacco products. Their use in workplaces and public places where smoking of traditional tobacco products is prohibited creates concern and confusion and leads to difficulties in enforcing the smoking prohibitions.

(p) The Society of Actuaries has determined that secondhand smoke costs the United States economy roughly Ten Billion Dollars ($10,000,000,000.00) a year: Five Billion Dollars ($5,000,000,000.00) in estimated medical costs associated with secondhand smoke exposure and Four Billion Six Hundred Million Dollars ($4,600,000,000.00) in lost productivity.

(q) Numerous economic analyses examining restaurant and hotel receipts and controlling for economic variables have shown either no difference or a positive economic impact after enactment of laws requiring workplaces to be smokefree. Creation of smokefree workplaces is sound economic policy and provides the maximum level of employee health and safety.

(r) There is no legal or constitutional "right to smoke." Business owners have no legal or constitutional right to expose their employees and customers to the toxic chemicals in secondhand smoke. On the contrary, employers have a common law duty to provide their workers with a workplace that is not unreasonably dangerous.

(s) Smoking is a potential cause of fires, and cigarette and cigar burns and ash stains on merchandise and fixtures causes economic damage to businesses.

(t) The smoking of tobacco is a form of air pollution, a positive danger to health, and a material public nuisance.

(2) Accordingly, the Legislature declares that the purposes of this act are to:

(a) Protect the public health and welfare by prohibiting smoking in public places and places of employment; and

(b) Guarantee the right of nonsmokers to breathe smokefree air, and to recognize that the need to breathe smokefree air has priority over the desire to smoke.

(3) This act shall be liberally construced so as to further its purposes.

SECTION 3. As used in this act, the following words and phrases have the meanings as defined in this section unless the context clearly indicates otherwise:

(a) "Bar" means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including, but not limited to, taverns, nightclubs, cocktail lounges, and cabarets.

(b) "Business" means a sole proprietorship, partnership, joint venture, corporation, or other business entity, either for-profit or not-for-profit, including retail establishments where goods or services are sold; professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered; and private clubs.

(c) "E-cigarette" means any electronic oral device, such as one composed of a heating element, battery, and/or electronic circuit, which provides a vapor of nicotine or any

other substances, and the use or inhalation of which simulates smoking. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, or under any other product name or descriptor.

(d) "Employee" means a person who is employed by an employer in consideration for direct or indirect monetary wages or profit, and a person who volunteers his or her services for a nonprofit entity.

(e) "Employer" means a person, business, partnership, association, corporation, including a municipal corporation, trust, or nonprofit entity that employs the services of one or more individual persons.

(f) "Enclosed area" means all space between a floor and a ceiling that is bounded on at least two (2) sides by walls, doorways, or windows, whether open or closed. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent and whether or not containing openings of any kind.

(g) "Health care facility" means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including, but not limited to, hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, long-term care facilities, homes for the aging or chronically ill, laboratories, and offices

of surgeons, chiropractors, physical therapists, physicians, psychiatrists, dentists, and all specialists within these professions. This definition includes all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.

(h) "Place of employment" means an area under the control of a public or private employer, including, but not limited to, work areas, private offices, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, construction sites, temporary offices, and vehicles. A private residence is not a "place of employment" unless it is used as a child care, adult day care, or health care facility.

(i) "Playground" means any park or recreational area designed in part to be used by children which has play or sports equipment installed or which has been designated or landscaped for play or sports activities, or any similar facility located on public or private school grounds or on municipal, county, or state park grounds.

(j) "Private club" means an organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and which only sells alcoholic beverages

incidental to its operation. The affairs and management of such an organization must be conducted by a board of directors, executive committee, or similar body chosen by the members at an annual meeting. The organization must have established bylaws and/or a constitution to govern its activities, and it must have been granted an exemption from the payment of federal income tax as a club under 26 USCS Section 501.

(k) "Public place" means an area to which the public is invited or in which the public is permitted, including, but not limited to, banks, bars, educational facilities, gaming facilities, health care facilities, hotels and motels, laundromats, public transportation vehicles and facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports arenas, theaters, and waiting rooms. A private residence is not a "public place" unless it is used as a child care, adult day care, or health care facility.

(l) "Restaurant" means an eating establishment, including, but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term "restaurant" includes a bar area within the restaurant.

(m) "Service line" means an indoor or outdoor line in which one or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money, including, but not limited to, ATM lines, concert lines, food vendor lines, movie ticket lines, and sporting event lines.

(n) "Shopping mall" means an enclosed public walkway or hall area that serves to connect retail or professional establishments.

(o) "Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, in any manner or in any form. "Smoking" also includes, but is not limited to, the use of an e-cigarette that creates a vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this act.

(p) "Sports arena" means a place where people assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events, including, but not limited to, sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, and bowling alleys.

SECTION 4. All enclosed areas, including, but not limited to, buildings and vehicles owned, leased, or operated by the state or any of its subdivisions, as well as all outdoor property

adjacent to those buildings and under the control of the state, are subject to this act.

SECTION 5. Smoking is prohibited in all enclosed public places within the State of Mississippi, including, but not limited to, the following places:

(a) Aquariums, galleries, libraries and museums;

(b) Areas available to the general public in businesses and nonprofit entities patronized by the public, including, but not limited to, banks, laundromats, professional offices and retail service establishments;

(c) Bars;

(d) Bingo facilities;

(e) Child care and adult day care facilities;

(f) Convention facilities;

(g) Educational facilities, both public and private;

(h) Elevators;

(i) Gaming facilities;

(j) Health care facilities;

(k) Hotels and motels;

(l) Lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes and other multiple-unit residential facilities;

(m) Polling places;

(n) Public transportation vehicles, including, but not limited to, buses and taxicabs, under the authority of the state or any of its subdivisions, and ticket, boarding and waiting areas of public transportation facilities, including bus, train and airport facilities;

(o) Restaurants;

(p) Restrooms, lobbies, reception areas, hallways and other common-use areas;

(q) Retail stores;

(r) Rooms, chambers, places of meeting or public assembly, including, but not limited to, school buildings, under the control of an agency, board, commission, committee or council of the state or any of its subdivisions;

(s) Service lines;

(t) Shopping malls;

(u) Sports arenas, including, but not limited to, enclosed places in outdoor arenas; and

(v) Theaters and other facilities primarily used for exhibiting motion pictures, stage dramas, lectures, musical recitals, or other similar performances.

SECTION 6. (1) Smoking is prohibited in all enclosed areas of places of employment without exception. This includes, but is not limited to, common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators,

hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles and all other enclosed facilities.

(2) This prohibition on smoking must be communicated to all current employees on July 1, 2021, and to all prospective employees upon their application for employment.

SECTION 7. Smoking is prohibited in all private clubs.

SECTION 8. Smoking is prohibited in the following enclosed residential facilities:

(a) All private and semi-private rooms in nursing homes; and

(b) All hotel and motel rooms that are rented to guests.

SECTION 9. Smoking is prohibited in the following outdoor places:

(a) Within twenty (20) feet outside entrances, operable windows, and ventilation systems of enclosed areas where smoking is prohibited, so as to prevent tobacco smoke from entering those areas;

(b) On all outdoor property that is adjacent to buildings owned, leased or operated by the state and that is under the control of the state;

(c) In, and within twenty (20) feet of, outdoor seating or serving areas of restaurants and bars;

(d) In all outdoor arenas, stadiums, and amphitheaters. Smoking also is prohibited within twenty (20) feet of bleachers

and grandstands for use by spectators at sporting and other public events;

(e) In, and within twenty (20) feet of, all outdoor playgrounds;

(f) In, and within twenty (20) feet of, all outdoor public transportation stations, platforms and shelters under the authority of the state or any of its subdivisions;

(g) In all outdoor service lines, including lines in which service is obtained by persons in vehicles, such as service that is provided by bank tellers, parking lot attendants and toll takers. In lines in which service is obtained by persons in vehicles, smoking is prohibited by both pedestrians and persons in vehicles, but only within twenty (20) feet of the point of service; and

(h) In outdoor common areas of apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities, except in designated smoking areas, not to exceed twenty-five percent (25%) of the total outdoor common area, which must be located at least twenty (20) feet outside entrances, operable windows and ventilation systems of enclosed areas where smoking is prohibited.

SECTION 10. (1) Smoking is prohibited in all outdoor places of employment where two (2) or more employees are required to be in the course of their employment. This includes, but is not

limited to, work areas, construction sites, temporary offices such as trailers, restroom facilities and vehicles.

(2) This prohibition on smoking must be communicated to all current employees on July 1, 2021, and to all prospective employees upon their application for employment.

SECTION 11. Notwithstanding any other provision of this act to the contrary, smoking is not prohibited in private residences unless a residence is used as a child care, adult day care, or health care facility.

SECTION 12. Notwithstanding any other provision of this act, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a nonsmoking place. Smoking is prohibited in any place in which a sign conforming to the requirements of Section 13(a) is posted.

SECTION 13. The owner, operator, manager, or other person in control of a public place or place of employment where smoking is prohibited by this act shall:

(a) Clearly and conspicuously post "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) in that place;

(b) Clearly and conspicuously post at every entrance to that place a sign stating that smoking is prohibited;

(c) Clearly and conspicuously post on every vehicle that constitutes a place of employment under this act at least one (1) sign, visible from the exterior of the vehicle, stating that smoking is prohibited; and

(d) Remove all ashtrays from any area where smoking is prohibited by this act, except for ashtrays displayed for sale and not for use on the premises.

SECTION 14. (1) A person or employer may not discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, customer, or resident of a multiple-unit residential facility because that employee, applicant, customer, or resident exercises any rights afforded by this act or reports or attempts to prosecute a violation of this act. Notwithstanding Section 17 of this act, violation of this subsection is a misdemeanor, punishable by a fine not to exceed One Thousand Dollars ($1,000.00) for each violation.

(2) An employee who works in a setting where an employer allows smoking does not waive or otherwise surrender any legal rights the employee may have against the employer or any other party.

SECTION 15. The State Board of Health shall adopt rules and regulations as are necessary and reasonable to implement this act. Notice of the provisions of this act must be given to all applicants for a business license in the state.

SECTION 16. (1) This act must be enforced by local health departments, city managers, county administrators, and their authorized designees.

(2) Any citizen who desires to register a complaint under this act may initiate enforcement with the local health department, city manager, or county administrator.

(3) Local health departments, fire departments, and their designees shall inspect, while an establishment is undergoing otherwise mandated inspections, for compliance with this act.

(4) An owner, manager, operator, or employee of an area regulated by this act shall direct a person who is smoking in violation of this act to extinguish the product being smoked. If the person does not stop smoking, the owner, manager, operator, or employee shall refuse service and immediately ask the person to leave the premises. If the person in violation refuses to leave the premises, the owner, manager, operator, or employee shall contact a law enforcement agency.

(5) Notwithstanding any other provision of this act, an employee or private citizen may bring legal action to enforce this act.

(6) In addition to the remedies provided by this section, local health departments, city managers, county administrators, and any persons aggrieved by the failure of the owner, operator, manager, or other person in control of a public place or a place of employment to comply with this act, may apply for injunctive

relief to enforce those provisions in any court of competent jurisdiction.

SECTION 17. (1) A person who smokes in an area where smoking is prohibited by this act is guilty of a misdemeanor, punishable by a fine not exceeding Fifty Dollars ($50.00).

(2) Except as otherwise provided in Section 14(1), a person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with this act is guilty of a misdemeanor, punishable by:

(a) A fine not exceeding One Hundred Dollars ($100.00) for a first violation;

(b) A fine not exceeding Two Hundred Dollars ($200.00) for a second violation within one (1) year; or

(c) A fine not exceeding Five Hundred Dollars ($500.00) for each additional violation within one (1) year.

(3) In addition to the fines established by this section, violation of this act by a person who owns, manages, operates, or otherwise controls a public place or place of employment may result in the suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred.

(4) Violation of this act is declared to be a public nuisance, which may be abated by restraining order, preliminary and permanent injunction, or other means provided for by law.

(5) Each day on which a violation of this act occurs is considered a separate and distinct violation.

SECTION 18. This act may not be construed to prevent a political subdivision of the state from adopting local ordinances or regulations relating to smoking in workplaces and public places which are more restrictive than this act, nor does this act repeal any existing local ordinances or regulations that provide restrictions on smoking which are equivalent to, or greater than, those provided by this act.

SECTION 19. The State Department of Health shall engage in a continuing program to explain and clarify the purposes and requirements of this act to citizens affected by the act, and to guide owners, operators and managers in their compliance with the act. The program may include publication of a brochure for affected businesses and individuals explaining the provisions of this act.

SECTION 20. This act may not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable state or local laws.

SECTION 21. This act may not be construed as amending or repealing Section 41-114-1, 97-32-29 or 97-35-1(4).

SECTION 22. Sections 29-5-160, 29-5-161 and 29-5-163, Mississippi Code of 1972, which are the Mississippi Clean Indoor Air Act, are repealed.

SECTION 23. This act shall take effect and be in force from and after July 1, 2021.

ST: Mississippi Smoke-Free Air Act of 2021; create.