

**SENATE CHAMBER**  
**STATE OF OKLAHOMA**

DISPOSITION

FLOOR AMENDMENT

No. \_\_\_\_\_

\_\_\_\_\_

COMMITTEE AMENDMENT

\_\_\_\_\_

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 1296, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

\_\_\_\_\_  
Senator Paxton

Paxton-DC-FS-Req#3959  
2/26/2020 3:08 PM

(Floor Amendments Only) Date and Time Filed: \_\_\_\_\_

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 FLOOR SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 1296

6 By: Paxton of the Senate

7 and

8 McEntire of the House

9 FLOOR SUBSTITUTE

10 An Act relating to smoking in public places; amending  
11 21 O.S. 2011, Section 1247, as last amended by  
12 Section 1, Chapter 477, O.S.L. 2019 (21 O.S. Supp.  
13 2019, Section 1247), which relates to penalties for  
14 smoking in certain public areas; modifying authority  
15 of county or municipal government to prohibit use of  
16 certain products; and declaring an emergency.

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

18 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1247, as  
19 last amended by Section 1, Chapter 477, O.S.L. 2019 (21 O.S. Supp.  
20 2019, Section 1247), is amended to read as follows:

21 Section 1247. A. The possession of lighted tobacco in any form  
22 is a public nuisance and dangerous to public health and is hereby  
23 prohibited when such possession is in any indoor place used by or  
24 open to the public, all parts of a zoo to which the public may be  
admitted, whether indoors or outdoors, public transportation, or any

1 indoor workplace, except where specifically allowed by law.  
2 Commercial airport operators may prohibit the use of lighted tobacco  
3 or lighted marijuana or the vaping of marijuana in any area that is  
4 open to or used by the public whether located indoors or outdoors,  
5 provided that the outdoor area is within one hundred seventy-five  
6 (175) feet from an entrance.

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

22 B. All buildings and other properties, or portions thereof,  
23 owned or operated by this state shall be designated as nonsmoking.  
24 The tobacco smoking provisions of this subsection shall not apply to

1 veterans centers operated by this state pursuant to the provisions  
2 of Section 221 et seq. of Title 72 of the Oklahoma Statutes, which  
3 shall be designated nonsmoking effective January 1, 2015, at which  
4 time veterans centers may establish outdoor designated smoking areas  
5 for resident veterans only. Smoking tobacco shall only be allowed  
6 in designated outdoor smoking areas.

7 C. ~~All buildings and other properties, or portions thereof,~~ Any  
8 building, property, or portion of any building or property owned or  
9 operated by a county or municipal government, or any trust or  
10 authority with a county or municipal government as the beneficiary,  
11 at the discretion of the county or municipal governing body, may be  
12 designated as ~~entirely nonsmoking~~ a smoke-free location. For the  
13 purposes of this subsection, "smoke-free location" means a location  
14 where the use of tobacco, nicotine, marijuana or other lawful  
15 products consumed in a smoked or vaporized manner are prohibited.

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

1 institution upon adoption of a policy stating the restrictions for  
2 the institution and an intent to enforce the penalty for violations  
3 as set forth in subsection M of this section.

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

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

11 G. The restrictions on tobacco smoking provided in this section  
12 shall not apply to 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,  
24 performs any work in the workplace, and the workplace has only

1 incidental public access. "Incidental public access" means that a  
2 place of business has only an occasional person, who is not an  
3 employee, present at the business to transact business or make a  
4 delivery. It does not include businesses that depend on walk-in  
5 customers for any part of their business;

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

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

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

13 8. Medical research or treatment centers, if tobacco smoking is  
14 integral to the research or treatment. Furthermore, the  
15 restrictions on smoking or vaping of marijuana provided in this  
16 section shall not apply to medical research or treatment centers, if  
17 marijuana smoking or vaping is integral to the research or  
18 treatment;

19 9. A facility operated by a post or organization of past or  
20 present members of the Armed Forces of the United States which is  
21 exempt from taxation pursuant to Section 501(c)(8), 501(c)(10) or  
22 501(c)(19) of the Internal Revenue Code, 26 U.S.C., Section  
23 501(c)(8), 501(c)(10) or 501(c)(19), when such facility is utilized  
24 exclusively by its members and their families and for the conduct of

1 post or organization nonprofit operations except during an event or  
2 activity which is open to the public; and

3 10. Any outdoor seating area of a restaurant; provided, smoking  
4 tobacco or smoking or vaping marijuana shall not be allowed within  
5 fifteen (15) feet of any exterior public doorway or any air intake  
6 of a restaurant.

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

15 I. If tobacco smoking is to be permitted in any space exempted  
16 in subsection F or G of this section or in a tobacco smoking room  
17 pursuant to subsection H of this section, such tobacco smoking space  
18 must either occupy the entire enclosed indoor space or, if it shares  
19 the enclosed space with any nonsmoking areas, the tobacco smoking  
20 space shall be fully enclosed, exhausted directly to the outside  
21 with no air from the tobacco smoking space circulated to any  
22 nonsmoking area, and under negative air pressure so that no tobacco  
23 smoke can drift or circulate into a nonsmoking area when a door to  
24 an adjacent nonsmoking area is opened. Air from a tobacco smoking

1 room shall not be exhausted within fifteen (15) feet of any  
2 entrance, exit or air intake. Any employer may choose a more  
3 restrictive tobacco smoking policy, including being totally tobacco  
4 smoke free.

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

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

24

1 L. Responsibility for posting signs or decals shall be as  
2 follows:

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

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

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

9 M. Any person who knowingly violates the provisions of this  
10 section shall be punished by a citation and fine of not more than  
11 One Hundred Dollars (\$100.00).

12 SECTION 2. It being immediately necessary for the preservation  
13 of the public peace, health or safety, an emergency is hereby  
14 declared to exist, by reason whereof this resolution shall take  
15 effect and be in full force from and after its passage and approval.

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