

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 HOUSE BILL 1389

By: Townley of the House

and

Dossett of the Senate

6  
7  
8  
9 COMMITTEE 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 110, O.S.L. 2017 (21 O.S. Supp.  
13 2018, Section 1247), which relates to prohibitions on  
14 smoking; adding marijuana smoking and vaping to  
15 certain provisions; amending 63 O.S. 2011, Section 1-  
16 1522, as amended by Section 5, Chapter 259, O.S.L.  
17 2015 (63 O.S. Supp. 2018, Section 1-1522), which  
18 relates to definitions; adding definitions; amending  
19 63 O.S. 2011, Section 1-1523, as last amended by  
20 Section 2, Chapter 110, O.S.L. 2017 (63 O.S. Supp.  
21 2018, Section 1-1523), which relates to prohibitions  
22 on smoking; adding marijuana smoking and vaping to  
23 certain provisions; amending 63 O.S. 2011, Section 1-  
24 1525, as amended by Section 3, Chapter 369, O.S.L.  
2017 (63 O.S. Supp. 2018, Section 1-1525), which  
relates to measures to prevent smoking in nonsmoking  
areas; adding marijuana smoking and vaping to certain  
provisions; and declaring an emergency.

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1247, as  
last amended by Section 1, Chapter 110, O.S.L. 2017 (21 O.S. Supp.  
2018, Section 1247), is amended to read as follows:

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

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

1 of doors, doorways, open or closed windows, stairways, or the like.  
2 The provisions of this section shall apply to such indoor workplace  
3 at any given time, whether or not work is being performed.

4 B. All buildings and other properties, or portions thereof,  
5 owned or operated by this state shall be designated as nonsmoking  
6 and vapor-product-free. The tobacco smoking and non-marijuana vapor  
7 product provisions of this subsection shall not apply to veterans  
8 centers operated by this state pursuant to the provisions of Section  
9 221 et seq. of Title 72 of the Oklahoma Statutes, which shall be  
10 designated nonsmoking effective January 1, 2015, at which time  
11 veterans centers may establish outdoor designated smoking areas for  
12 resident veterans only. Smoking tobacco shall only be allowed in  
13 designated outdoor smoking areas.

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

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

1 Higher Education may be designated as tobacco or marijuana free,  
2 including smoking or smokeless tobacco, marijuana or marijuana  
3 products or marijuana or non-marijuana vapor products, by the  
4 institution upon adoption of a policy stating the tobacco  
5 restrictions for the institution and an intent to enforce the  
6 penalty for violations as set forth in subsection M of this section.

7 E. No tobacco or marijuana smoking or the use of marijuana or  
8 non-marijuana vapor products shall be allowed within twenty-five  
9 (25) feet of the entrance or exit of any building specified in  
10 subsection B, C or D of this section.

11 F. The restrictions on tobacco smoking or on the use of non-  
12 marijuana vapor products provided in this section shall not apply to  
13 stand-alone bars, stand-alone taverns and cigar bars as defined in  
14 Section 1-1522 of Title 63 of the Oklahoma Statutes.

15 G. The restrictions on tobacco smoking or on the use of non-  
16 marijuana vapor products provided in this section shall not apply to  
17 the following:

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

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

23 3. Retail tobacco stores or retailers of non-marijuana vapor  
24 products predominantly engaged in the sale of tobacco products or

1 non-marijuana vapor products and accessories and in which the sale  
2 of other products is merely incidental and in which no food or  
3 beverage is sold or served for consumption on the premises;

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

12 5. Workplaces occupied exclusively by one or more tobacco  
13 smokers or users of non-marijuana vapor products, if the workplace  
14 has only incidental public access;

15 6. Private offices occupied exclusively by one or more tobacco  
16 smokers or users of non-marijuana vapor products;

17 7. Workplaces within private residences, except that smoking  
18 tobacco or marijuana or use of marijuana or non-marijuana vapor  
19 products shall not be allowed inside any private residence that is  
20 used as a licensed child care facility during hours of operation;

21 8. Medical research or treatment centers, if tobacco smoking or  
22 use of non-marijuana vapor products is integral to the research or  
23 treatment. Furthermore, the restrictions on smoking or vaping of  
24 marijuana provided in this section shall not apply to medical

1 research or treatment centers, if marijuana smoking or vaping is  
2 integral to the research or treatment;

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

11 10. Any outdoor seating area of a restaurant; provided, smoking  
12 tobacco or marijuana or the use of marijuana or non-marijuana vapor  
13 products shall not be allowed within fifteen (15) feet of any  
14 exterior public doorway or any air intake of a restaurant.

15 H. An employer not otherwise restricted from doing so may elect  
16 to provide tobacco smoking or non-marijuana vapor product rooms  
17 where no work is performed except for cleaning and maintenance  
18 during the time the room is not in use for tobacco smoking or non-  
19 marijuana vapor product, provided each tobacco smoking or non-  
20 marijuana vapor product room is fully enclosed and exhausted  
21 directly to the outside in such a manner that no tobacco smoke or  
22 non-marijuana vapor can drift or circulate into a nonsmoking or  
23 vapor-product-free area. No exhaust from a tobacco smoking or non-

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1 marijuana vapor product room shall be located within fifteen (15)  
2 feet of any entrance, exit or air intake.

3 I. If tobacco smoking or use of non-marijuana vapor products is  
4 to be permitted in any space exempted in subsection F or G of this  
5 section or in a tobacco smoking or non-marijuana vapor product room  
6 pursuant to subsection H of this section, such tobacco smoking or  
7 non-marijuana vapor product space must either occupy the entire  
8 enclosed indoor space or, if it shares the enclosed space with any  
9 nonsmoking or vapor-product-free areas, the tobacco smoking or non-  
10 marijuana vapor product space shall be fully enclosed, exhausted  
11 directly to the outside with no air from the tobacco smoking or non-  
12 marijuana vapor product space circulated to any nonsmoking or vapor-  
13 product-free area, and under negative air pressure so that no  
14 tobacco smoke or non-marijuana vapor can drift or circulate into a  
15 nonsmoking area when a door to an adjacent nonsmoking area is  
16 opened. Air from a tobacco smoking or non-marijuana vapor product  
17 room shall not be exhausted within fifteen (15) feet of any  
18 entrance, exit or air intake. Any employer may choose a more  
19 restrictive tobacco smoking or non-marijuana vapor product policy,  
20 including being totally tobacco smoke or non-marijuana vapor product  
21 free.

22 J. ~~Notwithstanding any other provision of this section, until~~  
23 ~~March 1, 2006, restaurants may have designated smoking and~~  
24 ~~nonsmoking areas or may be designated as being a totally nonsmoking~~

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

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

20 L. Responsibility for posting signs or decals shall be as  
21 follows:

22 1. In privately owned facilities, the owner or lessee, if a  
23 lessee is in possession of the facilities, shall be responsible;  
24

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

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

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

8           SECTION 2.           AMENDATORY           63 O.S. 2011, Section 1-1522, as  
9 amended by Section 5, Chapter 259, O.S.L. 2015 (63 O.S. Supp. 2018,  
10 Section 1-1522), is amended to read as follows:

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

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

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

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

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

10 4. "Marijuana vapor product" means a vapor product that is  
11 intended or used for medical marijuana or medical marijuana  
12 products;

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

15 6. "Non-marijuana vapor product" means a vapor product that is  
16 not intended or used for medical marijuana or medical marijuana  
17 products;

18 ~~5.~~ 7. "Public body" means a public body as defined in the  
19 Oklahoma Open Meeting Act;

20 ~~6.~~ 8. "Public place" means any enclosed indoor area where  
21 individuals other than employees are invited or permitted;

22 ~~7.~~ 9. "Restaurant" means any eating establishment regardless of  
23 seating capacity;

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1       ~~8.~~ 10. "Smoking" means the carrying by a person of a lighted  
2 cigar, cigarette, pipe or other lighted smoking device; ~~and~~

3       ~~9.~~ 11. "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~~ Section 6-102 of Title  
10 37A of the Oklahoma Statutes and that is not located within, and  
11 does not share any common entryway or common indoor area with, any  
12 other enclosed indoor workplace, including a restaurant;

13       12. "Vaping" means the use of a vapor product;

14       13. "Vapor product" means noncombustible products, that may or  
15 may not contain nicotine, that employ a mechanical heating element,  
16 battery, electronic circuit, or other mechanism, regardless of shape  
17 or size, that can be used to produce a vapor in a solution or other  
18 form. "Vapor products" shall include any vapor cartridge or other  
19 container with or without nicotine or other form that is intended to  
20 be used with an electronic cigarette, electronic cigar, electronic  
21 cigarillo, electronic pipe, or similar product or device and any  
22 vapor cartridge or other container of a solution, that may or may  
23 not contain nicotine, that is intended to be used with or in an  
24 electronic cigarette, electronic cigar, electronic cigarillo or

1 electronic device. "Vapor products" do not include any products  
2 regulated by the United States Food and Drug Administration under  
3 Chapter V of the Food, Drug, and Cosmetic Act; and

4 14. "Vapor-product-free" means free of all vapor products,  
5 whether such vapor products are marijuana or non-marijuana vapor  
6 products.

7 SECTION 3. AMENDATORY 63 O.S. 2011, Section 1-1523, as  
8 last amended by Section 2, Chapter 110, O.S.L. 2017 (63 O.S. Supp.  
9 2018, Section 1-1523), is amended to read as follows:

10 Section 1-1523. A. Except as specifically provided in the  
11 Smoking in Public Places and Indoor Workplaces Act, no person shall  
12 smoke tobacco or marijuana or use marijuana or non-marijuana vapor  
13 products in a public place, in any part of a zoo to which the public  
14 may be admitted, whether indoors or outdoors, in an indoor  
15 workplace, in any vehicle providing public transportation, at a  
16 meeting of a public body, in a nursing facility licensed pursuant to  
17 the Nursing Home Care Act, or in a child care facility licensed  
18 pursuant to the Oklahoma Child Care Facilities Licensing Act. A  
19 nursing facility licensed pursuant to the Nursing Home Care Act may  
20 designate tobacco smoking or non-marijuana vapor product rooms for  
21 residents and their guests. Such rooms shall be fully enclosed,  
22 directly exhausted to the outside, and shall be under negative air  
23 pressure so that no tobacco smoke or non-marijuana vapor can escape  
24 when a door is opened and no air is recirculated to nonsmoking or

1 vapor-product-free areas of the building. Commercial airport  
2 operators may prohibit the use of lighted tobacco or lighted  
3 marijuana or the use of marijuana or non-marijuana vapor products in  
4 any area that is open to or used by the public whether located  
5 indoors or outdoors, provided that the outdoor area is within one  
6 hundred seventy-five (175) feet from an entrance.

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

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

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

6 4. Smoking tobacco or marijuana or the use of marijuana or non-  
7 marijuana vapor products shall be prohibited in an educational  
8 facility as defined in the 24/7 Tobacco-free Schools Act and as  
9 provided for in Section 1210.213 of Title 70 of the Oklahoma  
10 Statutes.

11 C. Nothing in this section shall be construed to prohibit  
12 educational facilities from having more restrictive policies  
13 regarding tobacco or marijuana smoking or the use of marijuana or  
14 non-marijuana vapor products and the use of other marijuana or  
15 tobacco products in the buildings or on the grounds of the facility.

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

22 E. Smoking tobacco or marijuana or the use of marijuana or non-  
23 marijuana vapor products is prohibited in all vehicles owned by the  
24 State of Oklahoma and all of its agencies and instrumentalities.

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

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

1 fully enclosed, exhausted directly to the outside with no air from  
2 the tobacco smoking or non-marijuana vapor product space circulated  
3 to any nonsmoking or vapor-product-free area, and under negative air  
4 pressure so that no tobacco smoke or non-marijuana vapor can drift  
5 or circulate into a nonsmoking or vapor-product-free area when a  
6 door to an adjacent nonsmoking or vapor-product-free area is opened.  
7 Air from a tobacco smoking or non-marijuana vapor product room shall  
8 not be exhausted within fifteen (15) feet of any entrance, exit or  
9 air intake.

10 H. The Smoking in Public Places and Indoor Workplaces Act shall  
11 not prohibit tobacco smoking or use of non-marijuana vapor products  
12 in:

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

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

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

19 4. Retail tobacco stores or retailers of non-marijuana vapor  
20 products predominantly engaged in the sale of tobacco products or  
21 non-marijuana vapor products and accessories and in which the sale  
22 of other products is merely incidental and in which no food or  
23 beverage is sold or served for consumption on the premises;

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

5           6. Workplaces occupied exclusively by one or more tobacco  
6 smokers or users of non-marijuana vapor products, if the workplace  
7 has only incidental public access. "Incidental public access" means  
8 that a place of business has only an occasional person, who is not  
9 an employee, present at the business to transact business or make a  
10 delivery. It does not include businesses that depend on walk-in  
11 customers for any part of their business;

12           7. Private offices occupied exclusively by one or more tobacco  
13 smokers or users of non-marijuana vapor products;

14           8. Workplaces within private residences, except that smoking  
15 tobacco or marijuana or the use of marijuana or non-marijuana vapor  
16 products shall not be allowed inside any private residence that is  
17 used as a licensed child care facility during hours of operation;

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

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

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

7 11. Medical research or treatment centers, if tobacco smoking  
8 or use of non-marijuana vapor products is integral to the research  
9 or treatment. Furthermore, the restrictions on smoking or vaping of  
10 marijuana provided in this section shall not apply to medical  
11 research or treatment centers, if marijuana smoking or vaping is  
12 integral to the research or treatment.

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

1 nonsmoking or vapor-product-free areas of the building. No exhaust  
2 from such room shall be located within twenty-five (25) feet of any  
3 entrance, exit or air intake. Such room shall be subject to  
4 verification for compliance with the provisions of this subsection  
5 by the State Department of Health.

6 SECTION 4. AMENDATORY 63 O.S. 2011, Section 1-1525, as  
7 amended by Section 3, Chapter 369, O.S.L. 2017 (63 O.S. Supp. 2018,  
8 Section 1-1525), is amended to read as follows:

9 Section 1-1525. The state or local governmental agency or the  
10 person who owns or operates a public place shall, at a minimum, do  
11 the following in order to prevent tobacco or marijuana smoking or  
12 the use of marijuana or non-marijuana vapor products in public  
13 places:

14 1. Post conspicuous signs at entrances to and in prominent  
15 locations within places where tobacco or marijuana smoking or the  
16 use of marijuana or non-marijuana vapor products is prohibited which  
17 state that tobacco or marijuana smoking or the use of marijuana or  
18 non-marijuana vapor products is prohibited or that the indoor  
19 environment is free of tobacco or marijuana smoke or marijuana or  
20 non-marijuana vapor; and

21 2. Ask tobacco or marijuana smokers or users of marijuana or  
22 non-marijuana vapor products to refrain from smoking upon  
23 observation of anyone violating the provisions of Section 1-1521 et  
24 seq. of this title.

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

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