

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 2301

By: Roberts (Dustin)

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5  
6 AS INTRODUCED

7 An Act relating to public health; amending 63 O.S.  
8 2011, Section 1-1523, as last amended by Section 2,  
9 Chapter 477, O.S.L. 2019 (63 O.S. Supp. 2020, Section  
10 1-1523), which relates to the Smoking in Public  
11 Places and Indoor Workplaces Act; prohibiting smoking  
of tobacco or marijuana and vaping of marijuana in  
public parks; and providing an effective date.

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

13 SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-1523, as  
14 last amended by Section 2, Chapter 477, O.S.L. 2019 (63 O.S. Supp.  
15 2020, Section 1-1523), is amended to read as follows:

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

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

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

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1           2. A technology center school district may designate tobacco  
2 smoking areas outside of buildings, away from general traffic areas  
3 and completely out of sight of children under eighteen (18) years of  
4 age, for use by adults attending training courses, sessions,  
5 meetings or seminars.

6           3. A technology center school district or college or university  
7 may designate tobacco smoking areas outside the educational facility  
8 buildings for the use of adults during certain activities or  
9 functions, including, but not limited to, athletic contests.

10          4. Smoking tobacco or marijuana or vaping marijuana shall be  
11 prohibited in an educational facility as defined in the 24/7  
12 Tobacco-free Schools Act and as provided for in Section 1210.213 of  
13 Title 70 of the Oklahoma Statutes.

14          C. Nothing in this section shall be construed to prohibit  
15 educational facilities from having more restrictive policies  
16 regarding tobacco or marijuana smoking or marijuana vaping and the  
17 use of other marijuana or tobacco products in the buildings or on  
18 the grounds of the facility.

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

1 E. Smoking tobacco or marijuana or vaping marijuana is  
2 prohibited in all vehicles owned by the State of Oklahoma and all of  
3 its agencies and instrumentalities.

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

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

1 negative air pressure so that no tobacco smoke can drift or  
2 circulate into a nonsmoking area when a door to an adjacent  
3 nonsmoking area is opened. Air from a tobacco smoking room shall  
4 not be exhausted within fifteen (15) feet of any entrance, exit or  
5 air intake.

6 H. The Smoking in Public Places and Indoor Workplaces Act shall  
7 not prohibit tobacco smoking in:

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

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

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

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

18 5. Workplaces where only the owner or operator of the  
19 workplace, or the immediate family of the owner or operator,  
20 performs any work in the workplace, and the workplace has only  
21 incidental public access;

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

24 "Incidental public access" means that a place of business has only

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

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

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

10 9. A facility operated by a post or organization of past or  
11 present members of the Armed Forces of the United States which is  
12 exempt from taxation pursuant to Sections 501(c)(8), 501(c)(10) or  
13 501(c)(19) of the Internal Revenue Code, 26 U.S.C., Section  
14 501(c)(8), 501(c)(10) or 501(c)(19), when such facility is utilized  
15 exclusively by its members and their families and for the conduct of  
16 post or organization nonprofit operations except during an event or  
17 activity which is open to the public;

18 10. Any outdoor seating area of a restaurant; provided, tobacco  
19 or marijuana smoking or vaping marijuana shall not be allowed within  
20 fifteen (15) feet of any exterior public doorway or any air intake  
21 of a restaurant; and

22 11. Medical research or treatment centers, if tobacco smoking  
23 is integral to the research or treatment. Furthermore, the  
24 restrictions on smoking or vaping of marijuana provided in this

1 section shall not apply to medical research or treatment centers, if  
2 marijuana smoking or vaping is integral to the research or  
3 treatment.

4 I. Notwithstanding any other provision of the Smoking in Public  
5 Places and Indoor Workplaces Act, until March 1, 2006, restaurants  
6 may have designated tobacco smoking and nonsmoking areas or may be  
7 designated as being a totally nonsmoking area. Beginning March 1,  
8 2006, restaurants shall be totally nonsmoking or may provide  
9 nonsmoking areas and designated tobacco smoking rooms. Food and  
10 beverage may be served in such designated tobacco smoking rooms  
11 which shall be in a location which is fully enclosed, directly  
12 exhausted to the outside, under negative air pressure so tobacco  
13 smoke cannot escape when a door is opened, and no air is  
14 recirculated to nonsmoking areas of the building. No exhaust from  
15 such room shall be located within twenty-five (25) feet of any  
16 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 SECTION 2. This act shall become effective November 1, 2021.

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21 58-1-5755 AB 12/04/20

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