

GREEN SHEET REDIGEST

HB 218

2016 Regular Session

Hoffmann

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

HEALTH/SMOKING: Prohibits the use of tobacco products on school property _ _

DIGEST

Present law prohibits certain activities related to smoking at schools. Proposed law defines "school property" as school grounds, playgrounds, premises, and property, including but not limited to land, improvements, school facilities, and school vehicles used for the provision of academic and extracurricular programs and administration located on the property of any elementary or secondary school, the La. School for the Deaf, the La. School for the Visually Impaired, the La. Special Education Center, and schools in the Special School District. Allows the chief executive officer of a nonpublic school to define "school property" for the purposes of enforcing the provisions of proposed law.

Proposed law defines "tobacco product" as any product containing or made or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means.

Present law prohibits any person from smoking, chewing, or otherwise consuming any tobacco or tobacco product in any elementary or secondary school building. Proposed law adds inhaling, ingesting, and absorbing to the prohibition against the use of tobacco and tobacco products and broadens the prohibited locations to any school property. Excepts from this prohibition any tobacco product approved by the U.S. Food and Drug Administration for sale as a tobacco cessation product and marketed and sold solely for such purpose.

Present law authorizes the designation of smoking areas on school property. Proposed law deletes this authorization.

Present law prohibits smoking on any school bus transporting children attending any public school. Proposed law instead applies this prohibition to any public school bus transporting students attending any school.

Proposed law provides an exception for any school property that is rented, leased, or otherwise made available for use for non-educational purposes.

Present law requires public school governing authorities and authorizes nonpublic school governing authorities to adopt rules and regulations to assure compliance. Proposed law applies this requirement to both public and nonpublic school governing authorities.

Present law authorizes the governing authority of an elementary or secondary school to provide for appropriate penalties for violators, including but not limited to disciplinary action or a fine not to exceed \$200, or both. Proposed law retains present law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 17:240(A), (B), and (C)(1) and (2))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Include any building owned or operated by a local public school board in the definition of "school property".

2. Except tobacco cessation products approved by the U.S. Food and Drug Administration from the prohibition against tobacco products on school property.
3. Include e-cigs, e-cigarettes, electronic cigarettes, advanced personal vaporizers, vape pens, and vape mods among the prohibited smoking devices.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Education to the reengrossed bill

1. Removes any building owned or operated by a local public school board from the definition of "school property".
2. Allows the chief executive officer of a nonpublic school the discretion to define "school property".
3. Provides exemption for school properties that are rented, leased, or otherwise made available for non-educational purposes.