

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 218

2016 Regular Session

Hoffmann

HEALTH/SMOKING: Prohibits the use or possession of tobacco, vapor, and alternative nicotine products on school property and school buses

Synopsis of Senate Amendments

1. Broaden prohibition on school property from use of tobacco or tobacco products to use or possession of tobacco, vapor, or alternative nicotine products.
2. Broaden prohibition on school buses from the use of tobacco or any tobacco product on any public school bus to the use or possession of any tobacco, vapor, or alternative nicotine product on any school bus.
3. Grant nonpublic school CEO discretion in defining what constitutes "school property" for purposes of proposed law enforcement.
4. Exempt school property rented, leased, or otherwise made available for use for noneducational purposes from proposed law prohibition.
5. Relative to penalties, increase maximum fine amount; provide differential fine amounts based on number of violations; and limit use of fine monies to defrayal of enforcement costs.
6. Revise definitions of "school property" and "tobacco product" and add definitions of "vapor product" and "alternative nicotine product".

Digest of Bill as Finally Passed by Senate

Present law prohibits certain activities related to smoking at schools but authorizes designated smoking areas. Proposed law deletes this authorization.

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; applies the prohibition to tobacco products, vapor products, and alternative nicotine products; and broadens the prohibited locations to any "school property". Excepts from this prohibition any such 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. 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.

Present law prohibits smoking on any school bus transporting children attending any public school. Proposed law, instead of prohibiting smoking, prohibits the use or possession of any tobacco, vapor, or alternative nicotine product.

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. Proposed law increases the maximum fine amount from \$200 to \$250; limits use of monies collected from fines to defrayal of enforcement costs; and provides for the following differential maximum fine amounts based on numbers of violations:

- (1) \$25 for first violation.
- (2) \$100 for second violation.
- (3) \$250 for third and any succeeding violation.

Proposed law provides definitions of the following terms:

- (1) "Tobacco product" means any product that contains tobacco and is intended for human consumption.
- (2) "Vapor product" means any non-combustible product containing nicotine or other substances that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. Includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.
- (3) "Alternative nicotine product" means any non-combustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means.

Relative to such definitions:

- (1) Proposed law excludes the following from the definitions of both "vapor product" and "alternative nicotine product":
 - (a) Product that is a drug pursuant to 21 U.S.C. 321(g)(1).
 - (b) Device pursuant to 21 U.S.C. 321(h).
 - (c) Combination product described in 21 U.S.C. 353(g).
- (2) Proposed law excludes the following from the definition of "alternative nicotine product":
 - (a) Tobacco product.
 - (b) Vapor product.

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

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