

Regular Session, 2013

HOUSE BILL NO. 111

BY REPRESENTATIVE HOFFMANN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

HEALTH/SMOKING: Prohibits outdoor smoking within 25 feet of certain exterior locations of state buildings

1 AN ACT

2 To amend and reenact R.S. 40:1300.252, 1300.256(A)(4), and 1300.262(B)(1)(a) and (2)(a)
3 and to enact R.S. 40:1263 and 1300.256(A)(5), relative to smoking regulation; to
4 prohibit smoking in certain outdoor areas proximate to state buildings; to provide
5 relative to the purpose of certain smoking regulations; to provide for applicability;
6 to provide for exceptions; to provide for penalties; to provide for an effective date;
7 and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 40:1300.252, 1300.256(A)(4), and 1300.262(B)(1)(a) and (2)(a) are
10 hereby amended and reenacted and R.S. 40:1263 and 1300.256(A)(5) are hereby enacted to
11 read as follows:

12 §1263. State buildings; smoking regulation; exceptions

13 A. Except as provided in Subsection D of this Section, the requirements set
14 forth in this Section shall apply to all buildings owned by the state, referred to
15 hereafter in this Part as "state buildings".

16 B. In addition to any applicable smoking prohibition as provided in the
17 Louisiana Smokefree Air Act (R.S. 40:1300.251 et seq.), smoking shall be prohibited
18 in all of the following areas:

19 (1) Any outdoor area proximate to a state building which is within
20 twenty-five feet of an entrance of the building to which access by the public is not
21 restricted.

1 §1300.256. General smoking prohibitions; exemptions

2 A. Except as permitted by Subsection B of this Section, no person shall:

3 * * *

4 (4) Smoke in any outdoor area proximate to a state building where smoking
5 is prohibited pursuant to the provisions of R.S. 40:1263.

6 (5) As an employer, knowingly permit smoking in any enclosed area within
7 a place of employment.

8 * * *

9 §1300.262. Enforcement; penalties

10 * * *

11 B.(1)(a) Any person who is guilty of a violation of the prohibition in R.S.
12 40:1300.256(A)(1), (2), (3), and ~~(3)~~ (4) shall, upon a first offense, be fined twenty-
13 five dollars.

14 * * *

15 (2)(a) Any employer who is guilty of a violation of the prohibition in ~~R.S.~~
16 ~~40:1300.256(A)(4)~~ R.S. 40:1300.256(A)(5) shall, upon a first offense, be fined one
17 hundred dollars.

18 * * *

19 Section 2. This Act shall become effective on January 1, 2014.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Hoffmann

HB No. 111

Abstract: Prohibits outdoor smoking within 25 feet of certain exterior locations of state buildings.

Proposed law provides that for the purposes of proposed law, "state building" means a building owned by the state.

Proposed law provides that provisions of proposed law shall not apply to the following buildings or facilities:

- (1) Any building constructed by a parish or city school board.

- (2) The Louisiana Superdome.
- (3) The New Orleans Arena.

Proposed law provides that for the purposes of proposed law, "smoking" means the carrying of a lighted cigar, cigarette, pipe, or any other lighted smoking equipment, in addition to the inhalation and exhalation of smoke by a person from any form of lighted tobacco.

Proposed law provides that smoking shall be prohibited in all of the following areas:

- (1) Any outdoor area proximate to a state building which is within 25 feet of an entrance of the building to which access by the public is not restricted
- (2) Any outdoor area which is within 25 feet of a wheelchair ramp or other structure which facilitates access by a disabled person to a state building.

Proposed law amends provisions of present law within the La. Smokefree Air Act (R.S. 40:1300.251 et seq.) to include by reference the outdoor smoking prohibition provided in proposed law.

Proposed law would subject areas where smoking is prohibited by proposed law to the requirement of present law (R.S. 40:1300.261) that "no smoking" signs or the international "no smoking" symbol be clearly and conspicuously posted in every place where smoking is prohibited.

Proposed law would cause enforcement of proposed law to occur in the following manner prescribed in present law:

- (1) Any violation of any prohibition in present law or proposed law may be cited by any law enforcement officer by the issuance of a citation and summons to appear before a court of proper jurisdiction.
- (2) Such citations shall be in a form such that there shall be retained in each book of citations a receipt and each shall have a copy to be deposited by the law enforcement officer with a court having jurisdiction over the alleged offense.
- (3) Upon the deposit of the copy, the court shall notify the alleged violator of the time and place of his hearing or of his opportunity to plead guilty by the payment of his specified fine. Failure to appear, unless the fine is paid, may be punished within the discretion of the court as contempt of court.

Proposed law would subject any violation of proposed law to the following penalties provided in present law:

- (1) Any person who is guilty of a violation of the prohibition in proposed law or present law shall, upon a first offense, be fined \$25.
- (2) Any person who is guilty of violating such prohibition a second time shall be fined \$50.
- (3) Any person who is guilty of violating such prohibition a third or subsequent time shall be fined \$100.

Effective Jan. 1, 2014.

(Amends R.S. 40:1300.252, 1300.256(A)(4), and 1300.262(B)(1)(a) and (2)(a); Adds R.S. 40:1263 and 1300.256(A)(5))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Health and Welfare to the original bill.

1. Deleted from the definition of "state buildings" in proposed law office buildings which are constructed, renovated, or remodeled in whole or in part by the use of state funds, or the funds of any board, commission, agency, or department of the state.
2. Changed specifications relative to the 25-foot outdoor smokefree zone provided in proposed law to designate the smokefree zone as any outdoor area proximate to a state building which is within 25 feet of an entrance of the building to which access by the public is not restricted.
3. Added the La. Superdome and the New Orleans Arena as buildings to which proposed law shall not apply.