

2016 Regular Session

HOUSE BILL NO. 218

BY REPRESENTATIVE HOFFMANN

HEALTH/SMOKING: Prohibits the use of tobacco products on elementary and secondary school property

1 AN ACT

2 To amend and reenact R.S. 17:240(A), (B), and (C)(1) and (2), relative to use of tobacco  
3 products on elementary and secondary school property; to provide for definitions;  
4 to repeal the authorization for designated smoking areas on school property; to  
5 prohibit the use of tobacco products on school property; and to provide for related  
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 17:240(A), (B), and (C)(1) and (2) are hereby amended and reenacted  
9 to read as follows:

10 §240. Prohibition against use of tobacco in schools; prohibition against smoking on  
11 school bus; rules and regulations

12 A. For purposes of this Section the following terms ~~shall~~ have the following  
13 meanings unless the context clearly indicates otherwise:

14 (1) "School ~~building~~ property" means ~~any building~~ school grounds,  
15 playgrounds, premises, and property including but not limited to land, improvements,  
16 school facilities, and school vehicles used for the provision of academic and  
17 extracurricular programs and administration located on the property of any  
18 elementary or secondary school, the Louisiana School for the Deaf, the Louisiana  
19 School for the Visually Impaired, the Louisiana Special Education Center, and  
20 schools in the Special School District.



- 1 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
2 effective on the day following such approval.

## 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)]

HB 218 Original

2016 Regular Session

Hoffmann

**Abstract:** Prohibits the use of tobacco products on elementary and secondary school property.

Present law defines "school building" and "smoking".

Proposed law changes the defined term to "school property" and defines it 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.

Proposed law repeals the definition of "smoking" and adds the definition of "tobacco product" meaning 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 tobacco and tobacco products and broadens the prohibited locations to any school property.

Present law authorizes the designation of smoking areas on the grounds of any public or private elementary or secondary school property, the La. School for the Deaf, the La. School for the Visually Impaired, the La. Special Education Center, or schools in the Special School District.

Proposed law repeals the authorization for designated smoking areas on school property.

Present law prohibits smoking on any school bus transporting children attending any public elementary or secondary school.

Proposed law broadens the prohibition to the use of tobacco or any tobacco product on any public school bus transporting students attending any elementary or secondary school.

Present law requires the governing authority of each public elementary or secondary school and authorizes any governing authority of any nonpublic elementary or secondary school to adopt necessary rules and regulations to assure compliance with the provisions of present law.

Proposed law changes the authorization to a requirement that governing authorities of nonpublic elementary or secondary schools adopt necessary rules and regulations.

Present law authorizes the governing authority of each public elementary or secondary school and each nonpublic 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 but makes technical changes.

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

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