

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 (2) ~~"Smoking" means possession of a lighted cigar, cigarette, pipe, or any~~  
2 ~~other lighted tobacco product.~~ "Tobacco product" means any product containing or  
3 made or derived from tobacco that is intended for human consumption, whether  
4 chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any  
5 other means.

6 B.(1) Notwithstanding any other provision of law, no person shall smoke,  
7 chew, inhale, ingest, absorb, or otherwise consume any tobacco or tobacco product  
8 ~~in~~ on any ~~elementary or secondary school building~~ school property.

9 (2) No person shall smoke or carry a lighted cigar, cigarette, pipe, or any  
10 other form of smoking object or device on the grounds of any ~~public or private~~  
11 elementary or secondary school property, the Louisiana School for the Deaf, the  
12 Louisiana School for the Visually Impaired, the Louisiana Special Education Center,  
13 or schools in the Special School District, ~~except in an area specifically designated~~  
14 ~~as a smoking area.~~

15 (3) ~~Smoking~~ The use of tobacco or any tobacco product shall be prohibited  
16 on any public school bus transporting ~~children~~ students attending any ~~public~~  
17 elementary or secondary school.

18 C.(1) The governing authority of each ~~public~~ elementary or secondary school  
19 shall ~~and any governing authority of any nonpublic elementary or secondary school~~  
20 ~~may~~ adopt necessary rules and regulations to assure compliance with the provisions  
21 of this Section.

22 (2) The governing authority of each ~~public~~ elementary or secondary school  
23 ~~and each nonpublic elementary or secondary school~~ may provide for appropriate  
24 penalties for violators, including but not limited to disciplinary action or a fine not  
25 to exceed two hundred dollars, or both.

26 \* \* \*

27 Section 2. This Act shall become effective upon signature by the governor or, if not  
28 signed by the governor, upon expiration of the time for bills to become law without signature  
29 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

- 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 Engrossed

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))