

2016 Regular Session

HOUSE BILL NO. 218

BY REPRESENTATIVE HOFFMANN

HEALTH/SMOKING: Prohibits the use of tobacco products on 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 school property; to provide for definitions; to repeal the authorization
4 for designated smoking areas on school property; to prohibit the use of tobacco
5 products on school property; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

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

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

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

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

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; however, this
9 prohibition shall not be applicable to any tobacco product that has been approved by
10 the United States Food and Drug Administration for sale as a tobacco cessation
11 product and is marketed and sold solely for such an approved purpose.

12 (2) No person shall smoke or carry a lighted cigar, cigarette, pipe, or any
13 other form of smoking object or device, ~~on the grounds of any public or private~~
14 ~~elementary or secondary school property, the Louisiana School for the Deaf, the~~
15 ~~Louisiana School for the Visually Impaired, the Louisiana Special Education Center,~~
16 ~~or schools in the Special School District, except in an area specifically designated~~
17 ~~as a smoking area.~~ including but not limited to e-cigs, e-cigarettes, electronic
18 cigarettes, advanced personal vaporizers, vape pens, and vape mods on any school
19 property.

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

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

27 (2) The governing authority of each public elementary or secondary school
28 ~~and each nonpublic elementary or secondary school~~ may provide for appropriate

1 penalties for violators, including but not limited to disciplinary action or a fine not
2 to exceed two hundred dollars, or both.

3 * * *

4 Section 2. This Act shall become effective upon signature by the governor or, if not
5 signed by the governor, upon expiration of the time for bills to become law without signature
6 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
7 vetoed by the governor and subsequently approved by the legislature, this Act shall become
8 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 Reengrossed

2016 Regular Session

Hoffmann

Abstract: Prohibits the use of tobacco products on school property.

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, schools in the Special School District, or any building owned or operated by a local public school board.

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.

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.