HLS 16RS-668 ORIGINAL

2016 Regular Session

HOUSE BILL NO. 218

1

BY REPRESENTATIVE HOFFMANN

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

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 "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.

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

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 <u>public</u> school bus transporting <u>children</u> <u>students</u> attending any <u>public</u>
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 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".

<u>Proposed law</u> 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.

<u>Proposed law</u> 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.

<u>Present law</u> prohibits any person from smoking, chewing, or otherwise consuming any tobacco or tobacco product in any elementary or secondary school building.

<u>Proposed law</u> adds inhaling, ingesting, and absorbing to the prohibition against tobacco and tobacco products and broadens the prohibited locations to any school property.

<u>Present law</u> 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.

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

<u>Proposed law</u> 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.

<u>Present law</u> 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 <u>present law</u>.

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

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<u>Present law</u> 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))