2022 Regular Session

HOUSE BILL NO. 234

BY REPRESENTATIVE SCHLEGEL

MTR VEHICLE/VIOLATIONS: Prohibits smoking or vaping marijuana in motor vehicles

AN ACT

To enact R.S. 32:300.4.1, relative to smoking in motor vehicles; to prohibit the operator or any passenger in a motor vehicle from smoking or vaping marijuana while operating on a public highway or right-of-way; to provide for the definition of "smoke" and "public highway or right-of-way"; to provide penalties for a violation of the prohibition against smoking or vaping in motor vehicles; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:300.4.1 is hereby enacted to read as follows:

§300.4.1. Smoking or vaping marijuana in motor vehicles prohibited; penalties

A. It shall be unlawful for the operator or any passenger in a motor vehicle, while the motor vehicle is being operated on a public highway or right-of-way, to smoke or vape any form of marijuana as defined by R.S. 40:961, or a substance classified in Schedule I that is marijuana, tetrahydrocannabinol, or chemical derivatives thereof.

B. For purposes of this Section, the following words have the following meanings ascribed to them:

(1) "Smoke" means inhaling, exhaling, burning, or carrying any activated aerosol or vapor or any lighted cigarette, cigar, pipe, weed, plant, or other combustible substance in any manner or in any form.

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
"Public highway or right-of-way" means the entire width between and
immediately adjacent to the boundary lines of publicly maintained highways or roads
when any part thereof is open to the use of the public.

C. Whoever violates the provisions of this Section shall be fined one hundred
dollars.

D. A violation of this Section shall be considered a nonmoving violation, and
a citation issued by a law enforcement officer for such violation shall not be included
on the driver's operating record.

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)]

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Abstract: Prohibits smoking or vaping marijuana in any form in a motor vehicle by the
operator or any passenger while operating on a public highway or right-of-way.

Proposed law prohibits the operator or any passenger in a motor vehicle, while the motor
vehicle is operated on a public highway or right-of-way, from smoking or vaping any form
of marijuana as defined by present law, or a substance classified in Schedule I that is
marijuana, tetrahydrocannabinol, or chemical derivatives thereof.

Proposed law defines "smoke" as inhaling, exhaling, burning, or carrying any activated
aerosol or vapor or any lighted cigarette, cigar, pipe, weed, plant, or other combustible
substance in any manner or in any form.

Proposed law defines "public highway or right-of-way" as the entire width between and
immediately adjacent to the boundary lines of publicly maintained highways or roads when
any part thereof is open to the use of the public.

Proposed law provides for a fine of $100.

Proposed law specifies that a violation of proposed law is a nonmoving violation and any
citation issued by a law enforcement officer cannot be included on the driver's operating
record.

(Adds R.S. 32:300.4.1)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Transportation,
Highways and Public Works to the original bill:

1. Remove a provision that required court cost be assessed in addition to the
authorized fine.

CODING: Words in struck through type are deletions from existing law; words underscored
are additions.
The House Floor Amendments to the engrossed bill:

1. Make technical changes.