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## DIGEST

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### CONFERENCE COMMITTEE REPORT DIGEST

House Bill No. 111 by Representative Hoffmann

#### **Keyword and oneliner of the instrument as it left the House**

HEALTH/SMOKING: Prohibits outdoor smoking within 25 feet of certain exterior locations of state buildings

#### **Report adopts Senate amendments to:**

1. Delete language in proposed law relative to the purpose of present law encompassing the La. Smokefree Air Act.
2. Stipulate that the provisions of proposed law shall not apply to public post-secondary universities.

#### **Report rejects Senate amendments which would have:**

1. Added inhaling, exhaling, burning, carrying, or possessing lighted marijuana to the definition of "smoking" as utilized in present law encompassing the La. Smokefree Air Act.

#### **Report amends the bill to:**

1. Provide that smoking shall be prohibited in any outdoor area proximate to the state capitol building that is within twenty-five feet of any entrance of the building (retaining proposed law prohibiting smoking in outdoor areas proximate to other state office buildings that are within twenty-five feet of publicly accessible entrances exclusively).

#### **Digest of the bill as proposed by the Conference Committee**

Proposed law provides that for the purposes of proposed law, "state office buildings" shall mean all buildings owned by the state which are utilized primarily as office buildings.

Proposed law provides that provisions of proposed law shall not apply to the following buildings or facilities:

- (1) Any building constructed by a parish or city school board.
- (2) The Louisiana Superdome.
- (3) The New Orleans Arena.
- (4) Public post-secondary universities.

Proposed law provides that for the purposes of proposed law, "smoking" means the carrying of a lighted cigar, cigarette, pipe, or any other lighted smoking equipment, in addition to the inhalation and exhalation of smoke by a person from any form of lighted tobacco.

Proposed law provides that smoking shall be prohibited in all of the following areas:

- (1) Any outdoor area proximate to a state office building, other than the state capitol, which is within 25 feet of an entrance of the building to which access by the public is not restricted.
- (2) Any outdoor area which is within 25 feet of a wheelchair ramp or other structure which facilitates access by a disabled person to a state office building.
- (3) Any outdoor area proximate to the state capitol building that is within twenty-five feet of any entrance of the building.

Proposed law amends provisions of present law within the La. Smokefree Air Act (R.S. 40:1300.251 et seq.) to include by reference the outdoor smoking prohibition provided in proposed law.

Proposed law would subject areas where smoking is prohibited by proposed law to the requirement of present law (R.S. 40:1300.261) that "no smoking" signs or the international "no smoking" symbol be clearly and conspicuously posted in every place where smoking is prohibited.

Proposed law would cause enforcement of proposed law to occur in the following manner prescribed in present law:

- (1) Any violation of any prohibition in present law or proposed law may be cited by any law enforcement officer by the issuance of a citation and summons to appear before a court of proper jurisdiction.
- (2) Such citations shall be in a form such that there shall be retained in each book of citations a receipt and each shall have a copy to be deposited by the law enforcement officer with a court having jurisdiction over the alleged offense.
- (3) Upon the deposit of the copy, the court shall notify the alleged violator of the time and

place of his hearing or of his opportunity to plead guilty by the payment of his specified fine. Failure to appear, unless the fine is paid, may be punished within the discretion of the court as contempt of court.

Proposed law would subject any violation of proposed law to the following penalties provided in present law:

- (1) Any person who is guilty of a violation of the prohibition in proposed law or present law shall, upon a first offense, be fined \$25.
- (2) Any person who is guilty of violating such prohibition a second time shall be fined \$50.
- (3) Any person who is guilty of violating such prohibition a third or subsequent time shall be fined \$100.

Effective January 1, 2014.

(Amends R.S. 40:1300.252, 1300.256(A)(4), and 1300.262(B)(1)(a) and (2)(a); Adds R.S. 40:1263 and 1300.256(A)(5))