

Regular Session, 2014

SENATE BILL NO. 514

BY SENATOR HEITMEIER

SCHOOLS. Prohibits smoking near public and private elementary and secondary school property. (gov sig)

1 AN ACT  
2 To enact R.S. 40:1300.264, relative to smoking near public and private elementary and  
3 secondary school property; to prohibit smoking near certain property around public  
4 and private elementary and secondary schools; to provide for certain exceptions; to  
5 provide for marking of the smoke-free areas; to provide for penalties; to provide for  
6 an effective date; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:1300.264 is hereby enacted to read as follows:

9 **§1300.264. Smoking prohibited near school property; exceptions; penalty**  
10 **A. Smoking, as defined in this Part, shall not be permitted, and no**  
11 **person shall smoke within two hundred feet of the entrances, exits, or outdoor**  
12 **areas of any public or private elementary or secondary school.**

13 **B.(1) This Section shall not apply to smoking by a person of the legal age**  
14 **within private property that is within the two hundred feet boundary or to**  
15 **smoking by a person of the legal age occupying a moving vehicle in which**  
16 **smoking is not prohibited that is traveling through an area within the two**  
17 **hundred feet boundary.**

1                   **(2) This exception shall not apply to the property of a private elementary**  
2                   **or secondary school.**

3                   **C. The state superintendent of education, with the approval of the State**  
4                   **Board of Elementary and Secondary Education, shall develop a method by**  
5                   **which to mark smoke-free areas, including the use of signs or other markings**  
6                   **suitable to the situation. Signs or other markings shall be located in a visible**  
7                   **manner on or near each school indicating that such area is a smoke-free area,**  
8                   **and that such an area is within two hundred feet of the entrances, exits, or**  
9                   **outdoor areas of any public or private elementary or secondary school. The**  
10                   **state Department of Education shall assist each school system with providing**  
11                   **for the posting required in this Subsection.**

12                   **D. (1) Any violation of this Section may be cited by any law enforcement**  
13                   **officer by the issuance of a citation and summons to appear before a court of**  
14                   **proper jurisdiction.**

15                   **(2) Such citations shall be in a form such that there shall be retained in**  
16                   **each book of citations a receipt and each shall have a copy to be deposited by**  
17                   **the law enforcement officer with a court having jurisdiction over the alleged**  
18                   **offense.**

19                   **(3) Upon the deposit of the copy, the court shall notify the alleged**  
20                   **violation of the time and place of his hearing or of his opportunity to plead guilty**  
21                   **by the payment of his specified fine. Failure to appear, unless the fine is paid,**  
22                   **may be punished within the discretion of the court as contempt of court.**

23                   **E.(1) Any person who is guilty of a violation of this Section shall, upon**  
24                   **a first offense, be fined twenty-five dollars.**

25                   **(2) Any person who is guilty of violating such prohibition a second time**  
26                   **shall be fined fifty dollars.**

27                   **(3) Any person who is guilty of violating such prohibition a third or**  
28                   **subsequent time shall be fined one hundred dollars.**

1                    **F. The provisions of this Section shall not supersede the provisions of**  
 2                    **R.S. 40:1300.256(A).**

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

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The original instrument and the following digest, which constitutes no part  
 of the legislative instrument, were prepared by Christopher D. Adams.

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DIGEST

Heitmeier (SB 514)

Proposed law prohibits smoking, as provided in present law, within 200 feet of the entrances, exits, or outdoor areas of any public or private elementary or secondary school.

Proposed law shall not apply to smoking by a person of the legal age within private property that is within the 200 feet boundary or to smoking by a person of the legal age occupying a moving vehicle in which smoking is not prohibited that is traveling through an area within the 200 feet boundary. Proposed law's exception does not include property of a private elementary or secondary school.

Proposed law requires the state superintendent of education, with the approval of the State Board of Elementary and Secondary Education, to develop a method by which to mark smoke free areas, including the use of signs or other markings suitable to the situation.

Proposed law provides that any law enforcement officer may issue a citation and summons to appear before a court of proper jurisdiction for violating the proposed law.

Proposed law provides that any person who is guilty of a violation of the proposed law shall, upon a first offense, be fined \$25 dollars. Any person who is guilty of violating the proposed law a second time shall be fined \$50, and any person who is guilty of violating the proposed law a third or subsequent time shall be fined \$100.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 40:1300.264)