

Regular Session, 2014

HOUSE BILL NO. 168

BY REPRESENTATIVES HOFFMANN, COX, HENSGENS, HILL, KATRINA JACKSON, POPE, STOKES, AND WILLMOTT

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

1 AN ACT

2 To amend and reenact R.S. 40:1300.252, 1300.256(A)(4), and 1300.262(B)(1)(a) and (2)(a)
3 and to enact R.S. 40:1263 and 1300.256(A)(5), relative to smoking regulation; to
4 prohibit smoking in certain outdoor areas proximate to state office buildings; to
5 provide relative to the purpose of certain smoking regulations; to provide for
6 applicability; to provide for penalties; to provide for an effective date; and to provide
7 for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 40:1300.252, 1300.256(A)(4), and 1300.262(B)(1)(a) and (2)(a) are
10 hereby amended and reenacted and R.S. 40:1263 and 1300.256(A)(5) are hereby enacted to
11 read as follows:

12 §1263. State office buildings; smoking regulation; enforcement

13 A. The requirements set forth in this Section shall apply to all buildings
14 owned by the state which are utilized primarily as office buildings, referred to
15 hereafter in this Part as "state office buildings".

16 B. In addition to any applicable smoking prohibition as provided in the
17 Louisiana Smokefree Air Act (R.S. 40:1300.251 et seq.), smoking shall be prohibited
18 in all of the following areas:

19 (1) Any outdoor area proximate to a state office building that is within
20 twenty-five feet of an entrance of the building to which access by the public is not
21 restricted.

1 (2) Any outdoor area that is within twenty-five feet of a wheelchair ramp or
2 other structure that facilitates access to a state office building by persons with
3 disabilities.

4 C. "Smoking" means the carrying of a lighted cigar, cigarette, pipe, or any
5 other lighted smoking equipment, in addition to the inhalation and exhalation of
6 smoke by a person from any form of lighted tobacco.

7 D. Enforcement of the prohibition of smoking provided for in this Section
8 shall be conducted in accordance with the provisions of R.S. 40:1300.262.

9 E. Any person who violates the provisions of this Section shall be subject to
10 the penalties established in R.S. 40:1300.262(B)(1).

11 * * *

12 §1300.252. Purpose

13 The legislature finds and determines that it is in the best interest of the people
14 of this state to protect nonsmokers from involuntary exposure to secondhand smoke
15 ~~in most indoor areas open to the public, public meetings, restaurants, and places of~~
16 ~~employment.~~ The legislature further finds and determines that a balance should be
17 struck between the health concerns of nonconsumers of tobacco products and the
18 need to minimize unwarranted governmental intrusion into and regulation of private
19 spheres of conduct and choice with respect to the use or nonuse of tobacco products
20 in certain designated public areas and in private places. Therefore, the legislature
21 hereby declares that the purpose of this Part is to preserve and improve the health,
22 comfort, and environment of the people of this state by limiting exposure to tobacco
23 smoke.

24 * * *

25 §1300.256. General smoking prohibitions; exemptions

26 A. Except as permitted by Subsection B of this Section, no person shall:

27 * * *

28 (4) Smoke in any outdoor area proximate to a state office building where
29 smoking is prohibited pursuant to the provisions of R.S. 40:1263.

1 (5) As an employer, knowingly permit smoking in any enclosed area within
2 a place of employment.

3 * * *

4 §1300.262. Enforcement; penalties

5 * * *

6 B.(1)(a) Any person who is guilty of a violation of the prohibition in R.S.
7 40:1300.256(A)(1), (2), (3), and ~~(3)~~ (4) shall, upon a first offense, be fined twenty-
8 five dollars.

9 * * *

10 (2)(a) Any employer who is guilty of a violation of the prohibition in ~~R.S.~~
11 ~~40:1300.256(A)(4)~~ R.S. 40:1300.256(A)(5) shall, upon a first offense, be fined one
12 hundred dollars.

13 * * *

14 Section 2. The Louisiana State Law Institute is hereby authorized and requested to
15 redesignate, in accordance with the provisions of the Act which originated as House Bill No.
16 _____ of this 2014 Regular Session of the Legislature, the numbers of all Sections of statute
17 amended or enacted by this Act.

18 Section 3. This Act shall become effective on January 1, 2015.

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)]

Hoffmann HB No. 168

Abstract: Prohibits outdoor smoking within 25 feet of certain exterior locations of state office buildings.

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 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 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 to a state office building by a person with a disability.

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 Jan. 1, 2015.

(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))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Health and Welfare to the original bill.

1. Made language changes necessary for internal consistency.

House Floor Amendments to the engrossed bill.

1. Deleted a legislative finding stating that abundant and mounting scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke.