

Regular Session, 2014

HOUSE BILL NO. 168

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

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.

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

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

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

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

8 * * *

9 §1300.252. Purpose

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

21 * * *

22 §1300.256. General smoking prohibitions; exemptions

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

24 * * *

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

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

29 * * *

1 §1300.262. Enforcement; penalties

2 * * *

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

6 * * *

7 (2)(a) Any employer who is guilty of a violation of the prohibition in ~~R.S.~~
8 ~~40:1300.256(A)(4)~~ R.S. 40:1300.256(A)(5) shall, upon a first offense, be fined one
9 hundred dollars.

10 * * *

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.