

**ACT No. 546**

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: \_\_\_\_\_