

2017 Regular Session

HOUSE BILL NO. 531

BY REPRESENTATIVE HOFFMANN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

HEALTH/SMOKING: Prohibits the use of tobacco products on school property

1 AN ACT

2 To amend and reenact R.S. 17:240(A) and (B), relative to use of tobacco products on school
3 property; to provide for definitions; to repeal the authorization for designated
4 smoking areas on school property; to prohibit the use of tobacco products on school
5 property; to provide for exceptions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 17:240(A) and (B) are hereby amended and reenacted to read as
8 follows:

9 §240. Prohibition against use of tobacco in schools; prohibition against smoking on
10 school bus; rules and regulations

11 A. For purposes of this Section the following terms shall have the following
12 meanings unless the context clearly indicates otherwise:

13 (1) "School ~~building~~ property" means ~~any building~~ school grounds,
14 playgrounds, premises, and property, including but not limited to land,
15 improvements, and school facilities, located on the property of any elementary or
16 secondary school, the Louisiana School for the Deaf, the Louisiana School for the
17 Visually Impaired, the Louisiana Special Education Center, and schools in the
18 Special School District. "School property" also means any school vehicle used for
19 the provision of academic and extracurricular programs and administration at any

1 elementary or secondary school, the Louisiana School for the Visually Impaired, the
2 Louisiana Special Education Center, and schools in the Special School District.

3 (2) ~~"Smoking" means possession of a lighted cigar, cigarette, pipe, or any~~
4 ~~other lighted tobacco product.~~ "Tobacco product" means any product containing or
5 made or derived from tobacco that is intended for human consumption, whether
6 chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any
7 other means.

8 B.(1) Notwithstanding any other provision of law, no person shall smoke,
9 chew, inhale, ingest, absorb, or otherwise consume any tobacco or tobacco product
10 ~~in any elementary or secondary school building~~ on any school property; however,
11 this prohibition shall not be applicable to any tobacco product that has been approved
12 by the United States Food and Drug Administration for sale as a tobacco cessation
13 product and is marketed and sold solely for such an approved purpose.

14 (2) No person shall smoke or carry a lighted cigar, cigarette, pipe, or any
15 other form of smoking object or device, ~~on the grounds of any public or private~~
16 ~~elementary or secondary school property, the Louisiana School for the Deaf, the~~
17 ~~Louisiana School for the Visually Impaired, the Louisiana Special Education Center,~~
18 ~~or schools in the Special School District, except in an area specifically designated~~
19 ~~as a smoking area.~~ including but not limited to e-cigs, e-cigarettes, electronic
20 cigarettes, advanced personal vaporizers, cape pens, and vape mods on any school
21 property.

22 (3) ~~Smoking shall be prohibited on any school bus transporting children~~
23 ~~attending any public elementary or secondary school.~~ The use of tobacco or any
24 tobacco product is hereby prohibited on any school bus or vehicle transporting
25 students attending any elementary or secondary school.

26 (4) The provisions of this Subsection shall not apply to any school property
27 that is rented, leased, or otherwise made available for use for non-educational
28 purposes.

29 * * *

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

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

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)]

HB 531 Engrossed

2017 Regular Session

Hoffmann

Abstract: Prohibits the use of tobacco products on school property.

Present law prohibits certain activities related to smoking at schools. Proposed law defines "school property" as school grounds, playgrounds, premises, and property, including but not limited to land, improvement, and facilities, and school vehicles used for the provision of academic and extracurricular programs and administration at any elementary or secondary school, the La. School for the Deaf, the La. School for the Visually Impaired, the La. Special Education Center, and schools in the Special School District.

Proposed law defines "tobacco product" as any product made or derived from tobacco that is intended for human consumption.

Present law prohibits any person from smoking, chewing, or otherwise consuming any tobacco or tobacco product in any elementary or secondary school building. Proposed law adds inhaling, ingesting, and absorbing to the prohibition against the use of tobacco and tobacco products and broadens the prohibited locations to any school property. Excepts from this prohibition any tobacco product approved by the U.S. Food and Drug Administration for sale as a tobacco cessation product that is marketed and sold solely for such an approved purpose.

Present law authorizes the designation of smoking areas on school property. Proposed law deletes this authorization.

Present law prohibits smoking on any school bus transporting children attending any public school. Proposed law instead applies this prohibition to any school bus transporting students attending any school.

Proposed law provides that the provisions of proposed law shall not apply to any school property that is rented, leased, or otherwise made available for non-educational purposes.

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

(Amends R.S. 17:240(A) and (B))