

2022 Regular Session

HOUSE BILL NO. 234

BY REPRESENTATIVE SCHLEGEL

MTR VEHICLE/VIOLATIONS: Prohibits smoking or vaping marijuana in motor vehicles

1 AN ACT

2 To enact R.S. 32:300.4.1, relative to smoking in motor vehicles; to prohibit the operator or
3 any passenger in a motor vehicle from smoking or vaping marijuana while operating
4 on a public highway or right-of-way; to provide for the definition of "smoke" and
5 "public highway or right-of-way"; to provide penalties for a violation of the
6 prohibition against smoking or vaping in motor vehicles; and to provide for related
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 32:300.4.1 is hereby enacted to read as follows:

10 §300.4.1. Smoking or vaping marijuana in motor vehicles prohibited; penalties

11 A. It shall be unlawful for the operator or any passenger in a motor vehicle,
12 while the motor vehicle is being operated on a public highway or right-of-way, to
13 smoke or vape any form of marijuana as defined by R.S. 40:961, or a substance
14 classified in Schedule I that is marijuana, tetrahydrocannabinol, or chemical
15 derivatives thereof.

16 B. For purposes of this Section, the following words have the following
17 meanings ascribed to them:

18 (1) "Smoke" means inhaling, exhaling, burning, or carrying any activated
19 aerosol or vapor or any lighted cigarette, cigar, pipe, weed, plant, or other
20 combustible substance in any manner or in any form.

1 (2) "Public highway or right-of-way" means the entire width between and
2 immediately adjacent to the boundary lines of publicly maintained highways or roads
3 when any part thereof is open to the use of the public.

4 B. Whoever violates the provisions of this Section shall be fined one hundred
5 dollars. Court costs shall be assessed in addition to the fine authorized by this
6 Subsection.

7 C. A violation of this Section shall be considered a nonmoving violation, and
8 a citation issued by a law enforcement officer for such violation shall not be included
9 on the driver's operating record.

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 234 Original

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Schlegel

Abstract: Prohibits smoking or vaping marijuana in any form in a motor vehicle by the operator or any passenger while operating on a public highway or right-of-way.

Proposed law prohibits the operator or any passenger in a motor vehicle, while the motor vehicle is operated on a public highway or right-of-way, from smoking or vaping any form of marijuana as defined by present law, or a substance classified in Schedule I that is marijuana, tetrahydrocannabinol, or chemical derivatives thereof.

Proposed law defines "smoke" as inhaling, exhaling, burning, or carrying any activated aerosol or vapor or any lighted cigarette, cigar, pipe, weed, plant, or other combustible substance in any manner or in any form.

Proposed law defines "public highway or right-of-way" as the entire width between and immediately adjacent to the boundary lines of publicly maintained highways or roads when any part thereof is open to the use of the public.

Proposed law provides for a fine of \$100 and requires Court cost be assessed in addition to the fine.

Proposed law specifies that a violation of proposed law is a nonmoving violation and any citation issued by a law enforcement officer cannot be included on the driver's operating record.

(Adds R.S. 32:300.4.1)