

CONFERENCE COMMITTEE REPORT
House Bill No. 111 By Representative Hoffmann

June 5, 2013

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 111 by Representative Hoffmann, recommend the following concerning the Reengrossed bill:

1. That the Senate Committee Amendment proposed by the Senate Committee on Health and Welfare and adopted by the Senate on May 23, 2013, be adopted.
2. That the Senate Floor Amendment proposed by Senator Heitmeier and adopted by the Senate on May 28, 2013, be adopted.
3. That the set of Senate Floor Amendments proposed by Senator Morrell and adopted by the Senate on May 28, 2013, be rejected.

Respectfully submitted,

Representative Frank A. Hoffmann

Senator David Heitmeier

Representative Scott M. Simon

Senator Daniel "Danny" Martiny

Representative J. Rogers Pope

Senator Jean-Paul J. Morrell

 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)]

CONFERENCE COMMITTEE REPORT DIGEST

House Bill No. 111 by Representative Hoffmann

Keyword and oneliner of the instrument as it left the House

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

Report adopts Senate amendments to:

1. Delete language in proposed law relative to the purpose of present law encompassing the La. Smokefree Air Act.
2. Stipulate that the provisions of proposed law shall not apply to public post-secondary universities.

Report rejects Senate amendments which would have:

1. Added inhaling, exhaling, burning, carrying, or possessing lighted marijuana to the definition of "smoking" as utilized in present law encompassing the La. Smokefree Air Act.

Digest of the bill as proposed by the Conference Committee

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 provisions of proposed law shall not apply to the following buildings or facilities:

- (1) Any building constructed by a parish or city school board.
- (2) The Louisiana Superdome.
- (3) The New Orleans Arena.
- (4) Public post-secondary universities.

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 by a disabled person to a state office building.

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 January 1, 2014.

(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))