

ACT No. 351

2017 Regular Session

HOUSE BILL NO. 531

BY REPRESENTATIVE HOFFMANN

1 AN ACT

2 To amend and reenact R.S. 17:240(A) and (B), relative to 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 tobacco products in school
5 buildings; 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
20 elementary or secondary school, the Louisiana School for the Deaf, the Louisiana
21 School for the Visually Impaired, the Louisiana Special Education Center, and
22 schools in the Special School District.

1 (2) "Smoking" means possession of a lighted cigar, cigarette, pipe, or any
2 other lighted tobacco product; including but not limited to e-cigs, e-cigarettes,
3 electronic cigarettes, advanced personal vaporizers, vape pens, and vape mods.

4 B.(1) Notwithstanding any other provision of law, no person shall smoke,
5 chew, inhale, ingest, absorb, or otherwise consume any tobacco or tobacco product
6 in any elementary or secondary school building nor shall any student or school
7 employee smoke, chew, inhale, or absorb, or otherwise consume any tobacco product
8 on any other school property; however, this prohibition shall not be applicable to any
9 tobacco product that has been approved by the United States Food and Drug
10 Administration for sale as a tobacco cessation product and is marketed and sold
11 solely for such an approved purpose.

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

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

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

27 * * *

28 Section 2. This Act shall become effective upon signature by the governor or, if not
29 signed by the governor, upon expiration of the time for bills to become law without signature
30 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____