

HOUSE BILL 308

F1

2lr0325
CF 2lr0535

By: **Delegate Luedtke**

Introduced and read first time: January 30, 2012

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Tobacco-Free Schools Act**

3 FOR the purpose of prohibiting the use of tobacco products in school buildings, on
4 school grounds, and inside school buses; prohibiting the use of tobacco products
5 by certain persons at certain school-sponsored events; providing a penalty for a
6 violation and requiring the penalty to be paid to a certain fund; authorizing a
7 waiver of the penalty in certain circumstances; requiring the State Board of
8 Education to adopt certain regulations; defining certain terms; and generally
9 relating to the use of tobacco products at schools.

10 BY adding to

11 Article – Education

12 Section 26–105

13 Annotated Code of Maryland

14 (2008 Replacement Volume and 2011 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – Education**

18 **26–105.**

19 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
20 **MEANINGS INDICATED.**

21 **(2) “OFF-CAMPUS SCHOOL-SPONSORED EVENT” MEANS AN**
22 **EVENT SPONSORED BY A SCHOOL THAT IS NOT IN A SCHOOL BUILDING OR ON**
23 **SCHOOL GROUNDS.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(3) “SCHOOL BUILDING” MEANS A LOCAL SCHOOL SYSTEM**
2 **OWNED OR LEASED BUILDING.**

3 **(4) “SCHOOL BUS” MEANS ANY VEHICLE OWNED BY A LOCAL**
4 **SCHOOL SYSTEM THAT IS USED TO TRANSPORT STUDENTS.**

5 **(5) “SCHOOL GROUNDS” MEANS LOCAL SCHOOL SYSTEM OWNED**
6 **OR LEASED LAND THAT SURROUNDS A SCHOOL BUILDING.**

7 **(6) (I) “SCHOOL SECURITY OFFICER” MEANS A SCHOOL**
8 **PRINCIPAL, ANOTHER SCHOOL ADMINISTRATOR, A LAW ENFORCEMENT**
9 **OFFICER, OR OTHER INDIVIDUAL EMPLOYED BY A LOCAL SCHOOL SYSTEM OR A**
10 **LOCAL GOVERNMENT WHO IS DESIGNATED BY THE COUNTY SUPERINTENDENT**
11 **OR A SCHOOL PRINCIPAL TO HELP MAINTAIN THE SECURITY AND SAFETY OF A**
12 **SCHOOL.**

13 **(II) “SCHOOL SECURITY OFFICER” DOES NOT INCLUDE A**
14 **TEACHER.**

15 **(7) (I) “TOBACCO PRODUCT” MEANS ANY PRODUCT DERIVED**
16 **FROM THE TOBACCO PLANT THAT IS SMOKED, CHEWED, SNIFFED, OR**
17 **OTHERWISE CONSUMED.**

18 **(II) “TOBACCO PRODUCT” DOES NOT INCLUDE:**

19 **1. NICOTINE REPLACEMENT THERAPY; OR**

20 **2. A TOBACCO PRODUCT USED FOR**
21 **DEMONSTRATION PURPOSES IN ANTI-SMOKING OR DRUG EDUCATION CLASSES.**

22 **(B) AN INDIVIDUAL MAY NOT USE A TOBACCO PRODUCT AT ANY TIME IN**
23 **A SCHOOL BUILDING, ON SCHOOL GROUNDS, OR INSIDE A SCHOOL BUS.**

24 **(C) A SCHOOL SYSTEM EMPLOYEE OR VOLUNTEER MAY NOT USE A**
25 **TOBACCO PRODUCT AT AN OFF-CAMPUS SCHOOL-SPONSORED EVENT.**

26 **(D) AN INDIVIDUAL WHO VIOLATES THIS SECTION IS SUBJECT TO A**
27 **CIVIL PENALTY OF \$100 FOR EACH VIOLATION.**

28 **(E) A LAW ENFORCEMENT OFFICER OR SCHOOL SECURITY OFFICER**
29 **MAY WAIVE THE PENALTY ESTABLISHED UNDER SUBSECTION (D) OF THIS**
30 **SECTION, GIVING CONSIDERATION TO FACTORS THAT INCLUDE:**

1 **(1) THE SERIOUSNESS OF THE VIOLATION; AND**

2 **(2) ANY DEMONSTRATED GOOD FAITH MEASURES TO COMPLY**
3 **WITH THE PROVISIONS OF THIS SECTION.**

4 **(F) A PENALTY COLLECTED UNDER THIS SECTION SHALL BE PAID TO**
5 **THE CIGARETTE RESTITUTION FUND ESTABLISHED UNDER § 7-317 OF THE**
6 **STATE FINANCE AND PROCUREMENT ARTICLE.**

7 **(G) THE STATE BOARD SHALL ADOPT REGULATIONS TO IMPLEMENT**
8 **THE PROVISIONS OF THIS SECTION.**

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 July 1, 2012.