

HOUSE BILL 684

F1

3lr0358

By: **Delegate Luedtke**

Introduced and read first time: February 1, 2013

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; requiring the State Department of Education to adopt certain
7 regulations; defining certain terms; and generally relating to the use of tobacco
8 products at schools.

9 BY adding to
10 Article – Education
11 Section 26–105
12 Annotated Code of Maryland
13 (2008 Replacement Volume and 2012 Supplement)

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

16 **Article – Education**

17 **26–105.**

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(3) “SCHOOL BUILDING” MEANS A BUILDING OWNED OR LEASED**
2 **BY A LOCAL SCHOOL SYSTEM, A PUBLIC CHARTER SCHOOL, OR A PRIVATE**
3 **SCHOOL.**

4 **(4) “SCHOOL BUS” MEANS ANY VEHICLE OWNED BY A LOCAL**
5 **SCHOOL SYSTEM, A PUBLIC CHARTER SCHOOL, OR A PRIVATE SCHOOL THAT IS**
6 **USED TO TRANSPORT STUDENTS.**

7 **(5) “SCHOOL GROUNDS” MEANS LAND THAT SURROUNDS A**
8 **SCHOOL BUILDING THAT IS OWNED OR LEASED BY A LOCAL SCHOOL SYSTEM, A**
9 **PUBLIC CHARTER SCHOOL, OR A PRIVATE SCHOOL.**

10 **(6) (I) “TOBACCO PRODUCT” MEANS ANY PRODUCT DERIVED**
11 **FROM THE TOBACCO PLANT THAT IS SMOKED, CHEWED, SNIFFED, OR**
12 **OTHERWISE CONSUMED.**

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

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

15 **2. A TOBACCO PRODUCT USED FOR**
16 **DEMONSTRATION PURPOSES IN ANTISMOKING OR DRUG EDUCATION CLASSES.**

17 **(B) AN INDIVIDUAL MAY NOT USE A TOBACCO PRODUCT AT ANY TIME**
18 **INSIDE A SCHOOL BUILDING OR INSIDE A SCHOOL BUS.**

19 **(C) (1) DURING REGULAR SCHOOL HOURS, AN INDIVIDUAL MAY NOT**
20 **USE A TOBACCO PRODUCT ON SCHOOL GROUNDS.**

21 **(2) OUTSIDE OF REGULAR SCHOOL HOURS, AN INDIVIDUAL MAY**
22 **NOT USE A TOBACCO PRODUCT ON SCHOOL GROUNDS WHEN CHILDREN UNDER**
23 **THE AGE OF 18 YEARS ARE PRESENT.**

24 **(D) AN EMPLOYEE OR A VOLUNTEER OF A LOCAL SCHOOL SYSTEM, A**
25 **PUBLIC CHARTER SCHOOL, OR A PRIVATE SCHOOL MAY NOT USE TOBACCO**
26 **PRODUCTS AT AN OFF-CAMPUS, SCHOOL-SPONSORED EVENT IN THE PRESENCE**
27 **OF STUDENTS.**

28 **(E) AN INDIVIDUAL WHO VIOLATES THIS SECTION:**

29 **(1) FOR A FIRST OFFENSE, SHALL RECEIVE A WARNING AND**
30 **VERBAL NOTIFICATION OF THE POLICY; AND**

1 **(2) FOR A SECOND OR SUBSEQUENT OFFENSE, IS SUBJECT TO A**
2 **CIVIL PENALTY OF \$100 FOR EACH VIOLATION.**

3 **(F) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT**
4 **THE PROVISIONS OF THIS SECTION.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 July 1, 2013.