

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 288

(Senators Zirkin and Forehand)

Finance

Ways and Means

Public Schools - Smoking on the Grounds of School Property - Prohibition

This bill authorizes a county board of education to prohibit smoking on public school property at all times. It defines “smoking as the burning of a lighted cigarette, cigar, pipe, or other device or substance that contains tobacco. An individual who violates a prohibition imposed by the bill is subject to penalties.

Fiscal Summary

State Effect: The bill does not materially affect State operations or finances.

Local Effect: If desired, county boards of education can issue a prohibition against smoking on school property with existing resources. The bill does not materially affect local government operations or finances.

Small Business Effect: None.

Analysis

Bill Summary: An individual who violates a prohibition imposed by a county board of education pursuant to the bill is subject to (1) for a first offense, a warning that informs them of the requirements of the prohibition and (2) for a second or subsequent offense, a civil penalty of \$50 for each violation.

Current Law: Current regulations require each local school system to maintain a tobacco-free school environment. The sale or use of tobacco in school buildings in any form is prohibited by everyone, including teachers, other staff, and students at all times. In addition, the sale or use of tobacco in any form is prohibited on school grounds during

the school day. Each local school system must post notification to students, staff, and the general public that school buildings and grounds are tobacco-free. Additionally, each local school system is encouraged to make smoking cessation classes available to all employees. Students are prohibited from possessing or using tobacco in any form on the school premises. Further, as stated in § 24-504 of the Health-General Article, smoking is prohibited in any indoor place of employment. This prohibition encompasses teachers' lounges and other private areas within a school building. However, statute does not specifically prohibit smoking on public school property.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland State Department of Education, Department of Health and Mental Hygiene, Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - February 5, 2014
ncs/ljm Revised - Senate Third Reader - March 17, 2014

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