

# HOUSE BILL 750

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6lr2134

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By: **Delegates A. Miller, Brooks, Hettleman, Hixson, Jalisi, Lam, Pena–Melnyk, Pendergrass, and Waldstreicher**

Introduced and read first time: February 8, 2016

Assigned to: Ways and Means and Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Schools – Electronic Smoking Devices – Policy and Disciplinary**  
3 **Standards**

4 FOR the purpose of requiring the State Department of Education, after consultation with  
5 each local school system, to develop, on or before a certain date, a certain model policy  
6 prohibiting the use of certain electronic smoking devices at certain locations and  
7 certain events; requiring that the model policy contain certain information; requiring  
8 certain county boards of education to establish certain policies prohibiting the use of  
9 certain electronic smoking devices at certain locations and certain events; requiring  
10 certain county boards to publicize certain policies in certain publications and in  
11 certain locations; requiring certain county boards to submit a certain policy to the  
12 Department on or before a certain date; defining a certain term; and generally  
13 relating to the prohibition of electronic smoking devices in public schools.

14 BY adding to

15 Article – Education

16 Section 7–438

17 Annotated Code of Maryland

18 (2014 Replacement Volume and 2015 Supplement)

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

21 **Article – Education**

22 **7–438.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(A) (1) IN THIS SECTION, “ELECTRONIC SMOKING DEVICE” MEANS AN**  
2 **ELECTRONIC DEVICE THAT CAN BE USED TO DELIVER NICOTINE OR OTHER**  
3 **SUBSTANCES TO A PERSON BY INHALING FROM THE DEVICE.**

4           **(2) “ELECTRONIC SMOKING DEVICE” INCLUDES ELECTRONIC**  
5 **CIGARETTES, PIPES, AND VAPORIZERS.**

6           **(3) “ELECTRONIC SMOKING DEVICE” DOES NOT INCLUDE ANY**  
7 **DEVICE THAT HAS BEEN APPROVED BY THE FOOD AND DRUG ADMINISTRATION AS**  
8 **A SMOKING CESSATION AID.**

9           **(B) (1) ON OR BEFORE APRIL 1, 2017, THE DEPARTMENT, AFTER**  
10 **CONSULTATION WITH EACH LOCAL SCHOOL SYSTEM, SHALL DEVELOP A MODEL**  
11 **POLICY PROHIBITING THE USE OF ELECTRONIC SMOKING DEVICES ON SCHOOL**  
12 **PROPERTY, ON SCHOOL BUSES, AND AT SCHOOL-SPONSORED EVENTS.**

13           **(2) THE MODEL POLICY DEVELOPED UNDER PARAGRAPH (1) OF THIS**  
14 **SUBSECTION SHALL INCLUDE:**

15                   **(I) A STATEMENT PROHIBITING THE USE OF ELECTRONIC**  
16 **SMOKING DEVICES ON SCHOOL PROPERTY, ON SCHOOL BUSES, AND AT**  
17 **SCHOOL-SPONSORED EVENTS;**

18                   **(II) A DEFINITION OF AN ELECTRONIC SMOKING DEVICE;**

19                   **(III) STANDARD DISCIPLINARY CONSEQUENCES FOR STUDENTS**  
20 **WHO USE ELECTRONIC SMOKING DEVICES ON SCHOOL PROPERTY, ON SCHOOL**  
21 **BUSES, OR AT SCHOOL-SPONSORED EVENTS; AND**

22                   **(IV) MODEL PROCEDURES FOR REPORTING THE USE OF**  
23 **ELECTRONIC SMOKING DEVICES.**

24           **(C) (1) EACH COUNTY BOARD SHALL ESTABLISH A POLICY PROHIBITING**  
25 **THE USE OF ELECTRONIC SMOKING DEVICES ON SCHOOL PROPERTY, ON SCHOOL**  
26 **BUSES, AND AT SCHOOL-SPONSORED EVENTS.**

27           **(2) THE POLICY SHALL ADDRESS THE COMPONENTS OF THE MODEL**  
28 **POLICY SPECIFIED IN SUBSECTION (B)(2) OF THIS SECTION.**

29           **(3) A COUNTY BOARD SHALL DEVELOP THE POLICY IN**  
30 **CONSULTATION WITH:**

31                   **(I) PARENTS AND GUARDIANS OF STUDENTS;**

1                   **(II) SCHOOL EMPLOYEES AND ADMINISTRATORS;**

2                   **(III) SCHOOL VOLUNTEERS; AND**

3                   **(IV) STUDENTS.**

4           **(D) EACH COUNTY BOARD SHALL PUBLICIZE THE POLICY REQUIRED UNDER**  
5 **SUBSECTION (C) OF THIS SECTION IN STUDENT HANDBOOKS, ON SCHOOL SYSTEM**  
6 **WEB SITES, AND IN ANY OTHER LOCATION THE COUNTY BOARD DETERMINES IS**  
7 **APPROPRIATE.**

8           **(E) EACH COUNTY BOARD SHALL SUBMIT THE POLICY REQUIRED UNDER**  
9 **SUBSECTION (C) OF THIS SECTION TO THE DEPARTMENT ON OR BEFORE AUGUST 1,**  
10 **2017.**

11           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
12 1, 2016.