

Department of Legislative Services  
Maryland General Assembly  
2012 Session

FISCAL AND POLICY NOTE

House Bill 308  
Ways and Means

(Delegate Luedtke)

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Tobacco-Free Schools Act

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This bill prohibits an individual from using a tobacco product at any time in a school building, on school grounds, or inside a school bus. The bill also prohibits a school system employee or volunteer from using a tobacco product at an off-campus school-sponsored event. An individual who violates the bill is subject to a civil penalty of \$100, payable to the Cigarette Restitution Fund (CRF), for each violation. However, the bill authorizes a law enforcement officer or school security officer to waive this penalty, giving consideration to the seriousness of the violation and any demonstrated good faith measures to comply. The State Board of Education (SBE) must adopt regulations to implement the bill.

The bill takes effect July 1, 2012.

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Fiscal Summary

**State Effect:** Potential minimal increase in CRF revenues beginning in FY 2013 due to the bill's civil penalty provision. Because schools are already generally required, by State law and regulations, to maintain a tobacco-free environment (and given that the bill's penalties may be waived) the amount of fine revenues collected under the bill is not expected to be significant. SBE can use existing resources to adopt the required regulations.

**Local Effect:** Local school systems can use existing resources to enforce the bill. Local government revenues are not affected.

**Small Business Effect:** None.

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## Analysis

**Bill Summary:** The bill defines “tobacco” as any product derived from the tobacco plant that is smoked, chewed, sniffed, or otherwise consumed. “Tobacco” does not include (1) nicotine replacement therapy; or (2) a tobacco product used for demonstration purposes in anti-smoking or drug education classes.

Under the bill, a “school security officer” is a principal or other school administrator, a law enforcement officer, or another individual who is employed by a local school system or a local government and is designated by the county superintendent or school principal to help maintain the security and safety of a school. A “school security officer” does not include a teacher.

**Current Law/Background:** State regulations require each local school system to maintain a tobacco-free school environment. “Tobacco” is defined as a product derived from the tobacco plant that is smoked, chewed, sniffed, or otherwise consumed. “Tobacco” does not include nicotine replacement therapy. The sale or use of tobacco in any form is prohibited (1) in school buildings at all times; and (2) on school grounds during the official school day. Each local school system must post notification to students, staff, and the general public that school buildings and grounds are tobacco free.

State law and regulations generally prohibit the smoking of tobacco products on public modes of transportation, in government buildings, and in the workplace. The Clean Indoor Air Act (Chapters 501 and 502 of 2007) generally prohibits smoking in restaurants and bars, other indoor areas open to the public, and private vehicles that are being used for the public transportation of children.

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## Additional Information

**Prior Introductions:** None.

**Cross File:** Although not designated as a cross file, SB 625 (Senators Forehand and Montgomery - Education, Health, and Environmental Affairs) is identical.

**Information Source(s):** Kent, Montgomery, and Washington counties; Baltimore City; Maryland State Department of Education; Department of Health and Mental Hygiene; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

**Fiscal Note History:** First Reader - February 7, 2012  
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