

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 313

Introduced by Nordquist, 7; Campbell, 25; Harms, 48; Howard, 9;
McGill, 26.

Read first time January 12, 2011

Committee: Education

A BILL

- 1 FOR AN ACT relating to schools; to amend section 79-714, Reissue
- 2 Revised Statutes of Nebraska; to adopt the Tobacco-Free
- 3 Schools Act; to change provisions relating to
- 4 accreditation; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 14 of this act shall be known
2 and may be cited as the Tobacco-Free Schools Act.

3 Sec. 2. The purposes of the Tobacco-Free Schools Act are
4 to promote and protect the health and well-being of all students and
5 staff of all school districts in the State of Nebraska by prohibiting
6 the use of tobacco products by students, staff, or visitors at any
7 time on school property or at any off-campus school-sponsored event.

8 Sec. 3. For purposes of the Tobacco-Free Schools Act, the
9 definitions found in sections 4 to 10 of this act apply.

10 Sec. 4. Off-campus school-sponsored event means an event
11 sponsored by a school or school district that is not on school
12 property, including, but not limited to, a sporting event, a day
13 camp, a field trip, an entertainment seminar, a dance, or a
14 theatrical production.

15 Sec. 5. School means any public elementary school, middle
16 school, junior high school, middle and high school, junior-senior
17 high school, or senior high school.

18 Sec. 6. School property means property, whether owned,
19 leased, rented, or otherwise used by a school, including, but not
20 limited to, the following:

21 (1) All interior portions of any building used for
22 instruction, administration, support services, maintenance, or
23 storage and any other structure used by a school, except that school
24 property does not include a building primarily used as a residence;

25 (2) All school grounds surrounding any building specified

1 in subdivision (1) of this section over which the school or school
2 district is authorized to exercise dominion and control, including,
3 but not limited to, a playground, an athletic field, a recreation
4 area, or a parking area; and

5 (3) All vehicles used by the school for the purpose of
6 transporting students, staff, or any other persons.

7 Sec. 7. Staff means any person employed full time or part
8 time or under contract with the school district to whom direct or
9 indirect wages are paid by the school district, or anyone working on
10 a volunteer basis. Staff includes, but is not limited to, faculty,
11 service personnel, chaperones, and others working for the school
12 district in a paid or volunteer capacity.

13 Sec. 8. Student means any person enrolled in a school
14 district's educational system.

15 Sec. 9. Tobacco products means (1) cigarettes, (2)
16 cigars, (3) cheroots, (4) stogies, (5) periques, (6) granulated, plug
17 cut, crimp cut, ready rubbed, and other smoking tobacco, (7) snuff,
18 (8) snuff flour, (9) cavendish, (10) plug and twist tobacco, (11)
19 fine cut and other chewing tobacco, (12) shorts, refuse scraps,
20 clippings, cuttings, and sweepings of tobacco, and (13) other kinds
21 and forms of tobacco prepared in such manner as to be suitable for
22 chewing or smoking in a pipe or otherwise or both for chewing and
23 smoking.

24 Sec. 10. Visitor means any person on school property or
25 at an off-campus school-sponsored event who is not a student or

1 staff.

2 Sec. 11. (1) Except as otherwise provided in the Tobacco-
3 Free Schools Act, no student, staff, or visitor shall use tobacco
4 products at any time on school property or at any off-campus school-
5 sponsored event.

6 (2) Tobacco products may be included in instructional
7 activities in school buildings if the activity is conducted by a
8 staff member or an approved visitor and the activity does not include
9 smoking, chewing, or otherwise ingesting the tobacco product.

10 Sec. 12. The school board or board of education of each
11 school district shall adopt appropriate policies and rules which
12 prohibit the use of tobacco products by students, staff, and visitors
13 on school property and persons attending an off-campus school-
14 sponsored event and which provide for the enforcement of such
15 policies and rules, including, but not limited to, penalties for
16 violation of such policies and rules. Such policies and rules may be
17 more stringent than the provisions of the Tobacco-Free Schools Act.
18 The board shall provide notice of such policies and rules to
19 students, staff, and visitors by means which include, but are not
20 limited to, prominent display on all school property of signs
21 describing such policies and rules and the penalties for violation
22 thereof.

23 Sec. 13. (1) In addition to the penalties established by
24 the school board or board of education in the policies and rules
25 adopted pursuant to section 12 of this act, a student under eighteen

1 years of age who violates the Tobacco-Free Schools Act is subject to
2 the provisions of section 28-1418.

3 (2) In addition to the penalties established by the
4 school board or board of education in the policies and rules adopted
5 pursuant to section 12 of this act, any staff, volunteer, or visitor
6 who uses tobacco products at any time on school grounds or at any
7 off-campus school-sponsored event in violation of the Tobacco-Free
8 Schools Act is subject to the provisions of subsection (1) of section
9 71-5733.

10 Sec. 14. The Tobacco-Free Schools Act shall not be
11 construed to invalidate or limit the application of the Nebraska
12 Clean Indoor Air Act. In the case of a conflict between the Tobacco-
13 Free Schools Act and the Nebraska Clean Indoor Air Act, the Tobacco-
14 Free Schools Act applies.

15 Sec. 15. Section 79-714, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 79-714 School systems failing to meet the provisions of
18 sections 79-712 and 79-713 or the Tobacco-Free Schools Act shall be
19 guilty of a deviation from the rules and regulations for the approval
20 and accreditation of schools, and proper action by the State
21 Department of Education shall be taken.

22 Sec. 16. Original section 79-714, Reissue Revised
23 Statutes of Nebraska, is repealed.