



Ohio Legislative Service Commission

Bill Analysis

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H.B. 281

130th General Assembly
(As Introduced)

Reps. Ruhl, Grossman, Hackett

BILL SUMMARY

- Extends to all individuals (instead of just students as under current law) the prohibition from smoking, using tobacco, or possessing any substance that contains tobacco in any area under the control of a school district or an educational service center (ESC) or at any school-supervised activity.
- Prohibits all individuals from using nicotine or possessing any substance containing nicotine in any area under the control of a school district or ESC, including any outdoor facilities, or at any school-supervised activity.
- Applies the prohibition from smoking or using nicotine in school to community schools, STEM schools, and college-preparatory boarding schools.

CONTENT AND OPERATION

School smoking prohibition

The bill extends to all individuals the current prohibition from smoking, using tobacco, or possessing substances containing tobacco in any area under the control of a school district or an educational service center (ESC) or at any activity supervised by a school operated by a school district or ESC.¹ Under current law, the prohibition applies only to students. The bill also applies the expanded prohibition to community schools, STEM schools, and college-preparatory boarding schools.² Moreover, it specifically states that any outdoor facilities of the school or ESC may not be used as an area to smoke, use tobacco, or possess any substance containing tobacco. Finally, the bill revises

¹ R.C. 3313.751(B)(1).

² R.C. 3314.03(A)(11)(d), 3326.11, and 3328.24.

the prohibition to restrict "any substance derived from tobacco" from being smoked, used, or possessed at school or a school-supervised activity.³

Nicotine use prohibition

Similar to the prohibition from smoking in school, the bill provides a new prohibition on any individual from using nicotine or possessing any substance containing nicotine in any area under the control of a school district, community school, STEM school, college-preparatory boarding school or an ESC, including any outdoor facilities, or at any school-supervised activity.⁴ Specifically, all individuals are prohibited from possessing any substance containing nicotine or a similar substance intended for human consumption, or consuming nicotine or a similar substance, whether by means of smoking, heating, chewing, absorbing, dissolving, or ingesting by any other means.⁵

Enforcement and disciplinary policies

Current law requires each school district board of education and ESC governing board to adopt a policy that (1) provides for the enforcement of the prohibition from smoking in school, and (2) establishes disciplinary measures for the prohibition. The bill makes the following changes regarding this policy:

(1) Requires the prohibition from using nicotine in school to be incorporated into the policy;

(2) Specifically requires the prohibition to be enforced "against all persons"; and

(3) Applies the disciplinary measures to students who violate the prohibition.⁶

The bill also requires community schools, STEM schools, and college-preparatory boarding schools to adopt the enforcement and disciplinary policies as described above.

Background

Current law prohibits students, but not school employees or visitors, from smoking, using tobacco, or possessing any substance that contains tobacco in any area under the control of a school district or an ESC or at any school-supervised activity. It

³ R.C. 3313.751(A)(3).

⁴ R.C. 3313.751(B)(2).

⁵ R.C. 3313.751(A)(4).

⁶ R.C. 3313.751(C) and (D).

also requires each school district or ESC to adopt a policy to enforce the prohibition and to establish disciplinary measures for violations of the prohibition.⁷ These provisions do not appear to directly apply to community schools or STEM schools, but separate statutes⁸ require those schools to comply with all health and safety standards and laws that apply to schools, which might include the smoking prohibition provisions.

By rule of the State Board of Education, the use of smokeless tobacco is prohibited on school buses.⁹

Statewide smoking ban

In 2006, Ohio voters approved a ballot initiative to enact the Ohio Smoke Free Workplace Act, which generally bans smoking in public places and places of employment, with limited exceptions.¹⁰

HISTORY

ACTION	DATE
Introduced	10-02-13

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⁷ R.C. 3313.751.

⁸ R.C. 3314.04 and 3326.16.

⁹ Ohio Administrative Code 3301-83-20(A).

¹⁰ R.C. Chapter 3794., not in the bill.

