

LEGISLATURE OF NEBRASKA

ONE HUNDRED THIRD LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 131**

Introduced by Nordquist, 7; Campbell, 25; Harms, 48; Howard, 9;  
Kolowski, 31; McGill, 26.

Read first time January 11, 2013

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 policies and rules adopted pursuant to section 12 of this act, a  
25 student under eighteen years of age who violates the Tobacco-Free

1 Schools Act is subject to the provisions of section 28-1418.

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

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

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

16 79-714 School systems failing to meet the provisions of  
17 sections 79-712 and 79-713 or the Tobacco-Free Schools Act shall be  
18 guilty of a deviation from the rules and regulations for the approval  
19 and accreditation of schools, and proper action by the State  
20 Department of Education shall be taken.

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22 Statutes of Nebraska, is repealed.