

CHAPTER 198

(HB 11)

AN ACT relating to student health.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 438 IS CREATED TO READ AS FOLLOWS:

(1) *As used in this section:*

(a) *"Alternative nicotine product" has the same meaning as in KRS 438.305;*

(b) *"Tobacco product" has the same meaning as in KRS 438.305; and*

(c) *"Vapor product" has the same meaning as in KRS 438.305.*

(2) *The use of any tobacco product, alternative nicotine product, or vapor product:*

(a) *Shall be prohibited for all persons and at all times on or in all property, including any vehicle, that is owned, operated, leased, or contracted for use by a local board of education;*

(b) *Shall be prohibited for all students while attending or participating in any school-related student trip or student activity; and*

(c) *Shall be prohibited for school district employees, volunteers, and all other individuals affiliated with a school while the user is attending or participating in any school-related student trip or student activity and is in the presence of a student or students.*

(3) *On or before July 1, 2020, each local board of education shall implement this section by adopting written policies that prohibit the use of tobacco products, alternative nicotine products, and vapor products pursuant to this section. The policies shall provide for:*

(a) *Adequate notice regarding the policy to be provided to students, parents and guardians, school employees, and the general public;*

(b) *A requirement to post signage on or in all property, including any vehicle, that is owned, operated, leased, or contracted for use by a local board of education, clearly stating that use of tobacco products, alternative nicotine products, and vapor products is prohibited at all times and by all persons on or in the property; and*

(c) *A requirement that school employees enforce the policies.*

(4) *A person in violation of subsection (2) of this section, or policies adopted by a local board of education pursuant to subsection (3) of this section, shall be subject to penalties as set forth by the local board of education.*

(5) *Nothing in this section shall be interpreted or construed to:*

(a) *Permit use of a tobacco product, alternative nicotine product, or vapor product, where it is otherwise restricted by this section, other state or federal law, administrative regulation, or executive order;*

(b) *Prevent a local board of education or any other local governmental entity from adopting local ordinances, regulations, or policies relating to use of a tobacco product, alternative nicotine product, or a vapor product, in public places of employment, and nonenclosed areas, that are more restrictive than what is provided for in this section; or*

(c) *Repeal any existing local ordinances, regulations, or policies that provide restrictions on the use of a tobacco product, alternative nicotine product, or vapor product, in addition to those provided for in this section.*

(6) *Each local board of education may choose, up to three (3) years after the effective date of this Act, to opt out of subsections (2) to (4) of this section.*

➔Section 2. KRS 438.050 is amended to read as follows:

- (1) Any person, except adult employees of the school system who smoke in a room on the school premises designated by the superintendent or principal for the purpose, who ~~smokes~~**uses *alternative nicotine products***, tobacco products, **or vapor products** in any school building or any part of any building used for school purposes, or upon school grounds, while children are assembled there for lawful purposes, except in areas in secondary schools designated and supervised by the superintendent or principal for the purpose, shall be fined not less than one dollar (\$1) nor more than five dollars (\$5).
- (2) The exception granted for smoking areas designated by the superintendent or principal shall extend to all schools.

Signed by Governor April 9, 2019.