

1 AN ACT relating to student health.

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

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

5 *(1) As used in this section:*

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

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

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

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

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

13 *(b) Is prohibited for all students, school district employees, volunteers, and all*  
14 *other individuals affiliated with a school while the user is attending or*  
15 *participating in any school-related student trip or student activity.*

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

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

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

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

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

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

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

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

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

16 ➔Section 2. The following KRS section is repealed:

17 438.050 Smoking on school premises -- Exception.