

House File 86 - Introduced

HOUSE FILE 86

BY KOESTER and ABDUL-SAMAD

A BILL FOR

1 An Act requiring school districts and accredited nonpublic
2 schools to prohibit the use of cigarettes and tobacco and
3 certain nicotine products in schools, on school grounds, in
4 school vehicles, and at off-campus school-related indoor
5 events.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 260C.14, subsection 3, Code 2011, is
2 amended to read as follows:

3 3. Have the powers and duties with respect to community
4 colleges, not otherwise provided in this chapter, which are
5 prescribed for boards of directors of local school districts by
6 chapter 279 except that the board of directors is not required
7 to prohibit the use of ~~tobacco and the use~~ or possession of
8 alcoholic liquor or beer by any student of legal age under the
9 provisions of section 279.9.

10 Sec. 2. Section 279.9, Code 2011, is amended to read as
11 follows:

12 **279.9 Use of ~~tobacco~~, alcoholic beverages, or controlled**
13 **substances.**

14 The board of directors of each school district shall adopt
15 rules shall prohibit prohibiting the use of ~~tobacco and the~~
16 ~~use~~ or possession of alcoholic liquor, wine, or beer or any
17 controlled substance as defined in section 124.101, subsection
18 5, by any student of the schools and the board may suspend
19 or expel a student for a violation of a rule ~~under~~ adopted
20 pursuant to this section.

21 Sec. 3. NEW SECTION. **280.18 Tobacco and nicotine use**
22 **prohibition.**

23 1. The board of directors of each public school district
24 and the authorities in charge of each nonpublic school shall
25 prohibit a person from using a cigarette or a tobacco product,
26 as defined in section 453A.1, or a nicotine product at any time
27 at any of the following locations:

28 a. In a school building or other school facility under the
29 control of the school district or nonpublic school, including
30 any facility that is owned, rented, or leased by the school
31 district or nonpublic school.

32 b. On grounds that are owned, rented, or leased by the
33 school district or nonpublic school, including athletic fields
34 and parking lots.

35 c. In a vehicle owned, leased, rented, contracted for, or

1 controlled by the school district or nonpublic school.

2 *d.* At school-sponsored or school-related indoor events that
3 are held off campus.

4 2. As used in this section, "*nicotine product*" means any
5 product containing nicotine or any other preparation of tobacco
6 not described in section 453A.1, and any product or formulation
7 of matter containing biologically active amounts of nicotine
8 that is manufactured, sold, offered for sale, or otherwise
9 distributed with the expectation that the product or matter
10 will be introduced into the human body. "*Nicotine product*"
11 does not include any product specifically approved by the
12 United States food and drug administration for use in treating
13 nicotine or tobacco dependence.

14 EXPLANATION

15 This bill requires the board of directors of each public
16 school district and the authorities in charge of each
17 accredited nonpublic school to prohibit a person from using a
18 cigarette or a tobacco or nicotine product at any time while in
19 a school building or other school facility under the control
20 of the school district or nonpublic school, or a facility
21 that is owned, rented, or leased by the school district
22 or nonpublic school; on grounds that are owned, rented, or
23 leased by the school district or nonpublic school, including
24 athletic fields and parking lots; in a vehicle owned, leased,
25 rented, contracted for, or controlled by the school district
26 or nonpublic school; and at school-sponsored or school-related
27 indoor events that are held off campus.

28 The bill defines "*nicotine product*" as any product
29 containing nicotine or any other preparation of tobacco
30 not described in Code section 453A.1, and any product or
31 formulation of matter containing biologically active amounts
32 of nicotine that is manufactured, sold, offered for sale, or
33 otherwise distributed with the expectation that the product or
34 matter will be introduced into the human body, but does not
35 include any product specifically approved by the U.S. food and

H.F. 86

1 drug administration for use in treating nicotine or tobacco
2 dependence.