

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

Senate Bill 534

BY SENATORS PALUMBO, TAKUBO, STOLLINGS, WOELFEL,

CLINE, AND JEFFRIES

[Introduced February 14, 2018; Referred

to the Committee on the Judiciary]

1 A BILL to amend and reenact §16-9A-4 of the Code of West Virginia, 1931, as amended, relating
 2 to increasing the penalty for certain tobacco-related offenses on public school property;
 3 and correcting a typographical error.

Be it enacted by the Legislature of West Virginia:

ARTICLE 9A. TOBACCO USAGE RESTRICTIONS.

§16-9A-4. Use of tobacco, tobacco products, alternative nicotine products or vapor products in certain areas of certain public schools prohibited; penalty.

1 Every person who ~~shall smoke~~ smokes a cigarette or cigarettes, pipe, cigar or other
 2 implement, of any type or nature, designed, used or employed for smoking any tobacco or tobacco
 3 product; or who ~~shall use~~ uses any tobacco product or tobacco-derived product in any building or
 4 part thereof used for instructional purposes, in any school of this state, as defined in §18-1-1 of
 5 this code, or on any lot or grounds actually used for instructional purposes of any such school of
 6 this state while ~~such~~ the school is used or occupied for school purposes, ~~shall be~~ is guilty of a
 7 misdemeanor and, upon conviction thereof, shall be punished for each offense by a fine of not
 8 less than \$1 nor more than ~~five dollars~~ \$25; *Provided*, That this prohibition ~~shall not be construed~~
 9 ~~to~~ does not prevent the use of any tobacco or tobacco product or tobacco-derived product, in any
 10 faculty lounge or staff lounge or faculty office or other area of ~~said~~ a public school not used for
 11 instructional ~~perposes~~ purposes *Provided, however*, That if students do not have access thereto.
 12 ~~*Provided further*, That nothing herein contained shall be construed to~~ This section does not
 13 prevent any county board of education from promulgating rules ~~and regulations~~ that further restrict
 14 the use of tobacco products or tobacco-derived products, in any form, from any other part or
 15 section of any public school building under its jurisdiction.

NOTE: The purpose of this bill is to increase the penalty for using tobacco and tobacco-derived products on school property.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.