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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.

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1	<u>(4)</u>	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	<u>(5)</u>	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		\rightarrow Section 2. The following KRS section is repealed:
17	438	050 Smoking on school premises Exception.