



AN ACT PROHIBITING THE USE OF A VAPOR PRODUCT OR AN ALTERNATIVE NICOTINE PRODUCT IN A PUBLIC SCHOOL BUILDING OR ON PUBLIC SCHOOL PROPERTY; PROVIDING DEFINITIONS; AMENDING SECTION 20-1-220, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 20-1-220, MCA, is amended to read:

"20-1-220. Use of tobacco ~~product~~ products in public school building or on public school property prohibited. (1) An individual may not use a tobacco product, vapor product, or alternative nicotine product in a public school building or on public school property.

~~(2) Subsection (1) does not apply to the use of a tobacco product in a classroom or on other school property as part of a lecture, demonstration, or educational forum sanctioned by a school administrator or faculty member concerning the risks associated with use of a tobacco product.~~

(2) (a) Subsection (1) does not apply to the use of a tobacco product, vapor product, or alternative nicotine product in a classroom or on other school property as part of a lecture, demonstration, or educational forum sanctioned by a school administrator or faculty member concerning the risks associated with use of a tobacco product, vapor product, or alternative nicotine product.

(b) Subsection (1) does not apply to the use of a smoking cessation product by an employee.

~~(3)(3) The principal of an elementary or secondary school, or the principal's designee, may enforce this section.~~

~~(4)(4) A violation of this section is subject to the penalties provided in 50-40-115.~~

~~(5)(5) For the purposes of this section, the following definitions apply:~~

(a) "Alternative nicotine product" means a manufactured noncombustible product that contains nicotine derived from tobacco and that is intended for human consumption by being chewed, absorbed, dissolved, or ingested by any other means.

~~(a)(b) "Public school building" or "public school property":~~

(i) means public land, fixtures, buildings, or other property owned or occupied by an institution for the teaching of minor children that is established and maintained under the laws of the state of Montana at public expense; and

(ii) includes school playgrounds, school steps, parking lots, administration buildings, athletic facilities, gymnasiums, locker rooms, and school buses.

~~(b)(c)~~ "Tobacco product" means a substance intended for human consumption that contains tobacco, including cigarettes, cigars, snuff, smoking tobacco, and smokeless tobacco.

(d) "Vapor product" means a noncombustible product that may contain nicotine and that uses a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, to produce vapor from a solution or other substance. The term includes:

(i) an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device; and

(ii) a vapor cartridge or other container in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product and device."

Section 2. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,
HB 0413, originated in the House.

Speaker of the House

Signed this _____ day
of _____, 2019.

Chief Clerk of the House

President of the Senate

Signed this _____ day
of _____, 2019.

HOUSE BILL NO. 413

INTRODUCED BY F. ANDERSON, J. BACHMEIER, M. CAFERRO, W. CURDY, M. FUNK, B. GRUBBS,
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