



Tobacco Public Policy Center

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Tobacco-Free Schools Laws **State-by-state Summary** *June 2007*

100% Tobacco-Free Laws

Arizona

Tobacco products are prohibited on school grounds, inside school buildings, in school parking lots or playing fields, in school buses or vehicles, or at off-campus school-sponsored events. This does not apply to an adult who employs tobacco products as a necessary component of a school-sanctioned, tobacco prevention or cessation program established pursuant to AZ REV. STAT. § 15-712.

ARIZ. REV. STAT § 36-798.03 (2000).

Arkansas

Smoking or use of tobacco in enclosed areas, buildings, or facilities of a public elementary or secondary school, or on any property owned or leased by a public school district is prohibited. A copy of this statute shall be posted in a conspicuous location at every entrance to each building owned or leased by a public school district and every school bus used to transport public school students. Violation of this provision is a misdemeanor punishable by a fine of \$10 to \$100.

AR CODE ANN. § 6-21-609 (1999).

Note: statute applies only to public schools

Colorado

The board of education of each school district must adopt policies and rules that mandate a prohibition of the use of all tobacco products on the grounds of all public nursery schools, day care centers, child care facilities, Head Start programs, kindergarten, and elementary and secondary education facilities through grade 12. This prohibition pertains to all students, teachers, staff, and visitors on school property and at school-sponsored events. Smoking is also prohibited in all vehicles used by the school for the purpose of transporting students, workers, visitors, or any other persons. Signs regarding such prohibition and the consequences of violation shall be displayed prominently on all school property to ensure compliance. This does not apply to the use of a tobacco product in a limited classroom demonstration to show the health hazards of tobacco use. Schools are also allowed to enact more stringent policies or rules.

COLO. REV. STAT. ANN. § 25-14-103.5 (1998).

This information is provided for educational purposes only and is not to be construed as a legal opinion or as a substitute for obtaining legal advice from an attorney. The Tobacco Public Policy Center provides legal information and education about tobacco and health, but does not provide legal representation. Readers with questions about the application of the law to specific facts are encouraged to consult legal counsel familiar with the laws of their jurisdictions.

Louisiana

Smoking is prohibited in any school, which is defined as any elementary or secondary school building, the campus of any school, any buildings on the campus, and all school buses.

LA REV. STAT. ANN. §§ 40:1300.251 to 1300.263 (2007).

Maryland

Each local superintendent of schools must certify in writing to the State Superintendent that all school buildings and grounds are tobacco free. Each local school system must post notification to students, staff, and the general public that school buildings and grounds are tobacco free.

State Board of Education Title 13A, Subtitle 02, c. 04 (1992).

Note: statute does not apply to school-owned vehicles

Minnesota

No person shall at any time smoke or use other tobacco products in public schools. This prohibition extends to all facilities, school grounds, and school vehicles. This prohibition does not apply to the lighting of tobacco by an adult as part of a traditional Indian spiritual or cultural ceremony.

MINN. STAT. § 144.4165 (1999).

Note: statute applies only to public schools; does not speak to school sponsored events off-campus

Mississippi

No person shall use any tobacco product on any educational property. "Educational property" means any public school building or bus, public school campus, grounds, recreational area, athletic field, or other property owned, used or operated by any local school board, school, or directors for the administration of any public educational institution or during a school-related activity. Any adult who violates this section shall receive a warning for a first conviction; a \$75 fine for a second conviction; and a fine of up to \$150 for all subsequent convictions. It is the responsibility of all law enforcement officers and law enforcement agencies of this state to ensure that the provisions of this act are enforced.

MISS. CODE ANN. § 97-32-29 (2000).

Montana

An individual may not use a tobacco product in a public school building or on public school property. This 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.

MONT. CODE ANN. § 20-1-220 (2005).

Nevada

Smoking tobacco is prohibited within school buildings and on school property/grounds of any public or private school. Smoking is also prohibited in any building or office space owned or occupied by any component of the University and Community College System of Nevada and used for any purpose related to the system.

NEV. REV. STAT. § 202.2483 (2006).

New Hampshire

No person shall use any tobacco product in any public educational facility or on the grounds of any public educational facility.

N.H. REV. STAT. ANN. § 126-K:7 (1997).

Note: statute applies only to public schools; does not apply to school-owned vehicles

New Jersey

Smoking is prohibited in any area of any building of, or on the grounds of, any public or nonpublic elementary or secondary school, regardless of whether the area is an indoor public place or is outdoors.

N.J. STAT. ANN. §§ C.26:3D-55 to C.26:3D-64 (2006).

New Mexico

The State Board of Education adopted a regulation that prohibits the use of tobacco products in school buildings, on school property and for students at school functions away from school property. Each school district shall develop provisions for enforcement of this policy and communicating the policy to all affected parties.

N.M. State Board of Education Reg. 94-2 (1994).

Note: statute allows smoking by staff and other adults at school functions away from school property; does not apply to school-owned vehicles

New York

Smoking is prohibited in places of employment the definition of which includes school grounds. "School grounds" are defined as any building, structure, and surrounding outdoor grounds contained within a public or private preschool, nursery school, elementary or secondary school's legally defined property boundaries as registered in a county clerk's office, and any vehicles used to transport children or school personnel. Smoking is also prohibited in all public and private colleges, universities, and other educational and vocational institutions.

N.Y. [PUB. HEALTH] LAW §§ 1399-n et seq. (2003).

Notwithstanding the provisions of any other law, rule or regulation, tobacco use shall not be permitted and no person shall use tobacco on school grounds. "School grounds" means any building, structure and surrounding outdoor grounds contained within a public or private preschool, nursery school, elementary or secondary school's legally defined property boundaries as registered in a county clerk's office.

N.Y. [EDUC.] LAW § 409(2) (2003).

Oregon

No student, staff member, or school visitor is permitted to smoke, inhale, dip, or chew or sell tobacco at any time, including non-school hours, in any building, facility, or vehicle owned, leased, rented, or chartered by the school district, school, or public charter school; or on school grounds, athletic grounds or parking lots.

OR ADMIN. RULES 581-021-0110 (2006).

Utah

Smoking is prohibited in public or private elementary and secondary school buildings and educational facilities and the property on which those facilities are located. This law supersedes any ordinance enacted by a governing body of a political subdivision that restricts smoking in a place of public access and that is not essentially identical to the provisions of this chapter. Outdoor places of public access owned and operated by a political subdivision, a state institution of higher education, or a state institution of public education are exempt from preemption.

UTAH CODE ANN. §§ 26-38-1 et seq. (2007).

Vermont

No person

shall be permitted to use tobacco on public school grounds and no student shall be permitted to use tobacco at public school sponsored functions. Each public school board shall adopt policies prohibiting the possession and use of tobacco products by students at all times while under the supervision of school staff. These policies shall include confiscation and appropriate referrals to law enforcement authorities.

VT STAT. ANN. tit. 16, § 1-140 (1997).

Note: statute allows smoking by staff and other adults at school functions away from school property; does not apply to school-owned vehicles

Washington

Each school district board of directors must adopt a written policy prohibiting the use of all tobacco products on public school property. The policy shall include, but not be limited to: a requirement that students and school personnel be notified of the prohibition; the posting of signs prohibiting the use of tobacco products; sanctions for students and school personnel who violate the policy; and a requirement that school district personnel enforce the prohibition.

WASH. REV. CODE § 28A.210.310 (1997).

Note: Applies only to public schools; does not apply to school-owned vehicles

Partial Tobacco-Free Laws**Alabama**

Smoking is prohibited except in designated enclosed and well ventilated areas at schools, other school facilities or enclosed school sponsored events for grades K-12.

ALA. CODE §§ 22-15A-1 et seq. (2003).

Alaska

Smoking in any form is prohibited in a public or private elementary or secondary school or a preschool. This prohibition does not apply to a designated smoking area in public or private elementary schools created by a collective bargaining agreement for employees made prior to August 14, 1990. These designated areas must be properly ventilated or equipped with an exhaust fan and located in a room where minors are not permitted. Smoking is restricted to designated areas in a public or private postsecondary educational institution.

ALASKA STAT. §§ 18.35.300 et seq. (1990).

California

Smoking is prohibited at public school facilities. No school shall permit smoking or use of tobacco or any product containing tobacco or nicotine products, where the pupils are on campus, while they are attending school-sponsored activities, or while under the supervision and control of school district employees. The possession of nicotine or use of any product containing tobacco or nicotine is considered grounds for suspension or expulsion.

CA EDUC. CODE § 48900 and § 48901 (1986).

Signs stating "Tobacco use is prohibited" shall be prominently displayed at all entrances to school property.

CA HEALTH AND SAFETY CODE § 104420 (2000).

Connecticut

Smoking is prohibited in school buildings when school is in session or student activities are being conducted. Exempt are classrooms where demonstration smoking is taking place as part of a medical or scientific experiment or lesson. No person shall smoke in any dormitory in any public institution of higher education. The provisions of this section shall supersede and preempt the provisions of any municipal law or ordinance relative to smoking effective prior to, on, or after October 1, 1993.

CONN. GEN. STAT. § 19a-342 (2003).

No passenger or employee shall possess a lighted cigarette while traveling upon or engaged in the operation of a school bus.

CONN. GEN. STAT. § 53-198 (1985).

Delaware

Smoking is prohibited in public and non-public schools.

DEL. CODE ANN. tit. 16, §§ 29-2901 et seq. (2002).

District of Columbia

Smoking is prohibited in "public places" the definition of which includes educational facilities.

D.C. CODE ANN. § 7-731, Part B, §§ 4915 to 4921 (2006).

The use of tobacco and tobacco products on public school premises shall be prohibited at all times, except that adults may use tobacco and tobacco products in designated smoking areas on public school premises established pursuant to guidelines promulgated by the Superintendent of Schools.

DC Mun. Reg. § 3502.5 (1992).

Florida

Smoking is prohibited in all enclosed, indoor workplaces including all educational facilities. It is unlawful for any person under 18 years of age to smoke tobacco in, on, or within 1,000 feet of the real property comprising a public or private elementary, middle, or secondary school between the hours of 6 a.m. and midnight. This legislation expressly preempts regulation of smoking to the state and supersedes any municipal or county ordinance on the subject.

FLA. STAT. ch. 386.204, 386.209 & 386.212 (2003).

Georgia

Smoking is prohibited in enclosed "public places," the definition of which includes educational facilities.

GA. CODE ANN. §§ 31-12A-2(10) & 31-12A-4 (2005).

Hawaii

Smoking shall be prohibited in all enclosed or partially enclosed areas open to the public, including both public and private educational facilities. Smoking is also prohibited within a presumptively reasonable minimum distance of 20 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed or partially enclosed area where smoking is prohibited.

HAW. REV. STAT. §§ 328J-1 to 328J-15 (2006).

Smoking is prohibited in all public schools and public school functions, grades kindergarten through 12th grade. The Department of Education shall provide affected public employees with breaks throughout the work day during which they may smoke at locations off-campus. The Department of Education shall also provide a smoking cessation program for public employees who are interested in participating.

HAW. REV. STAT. § 302A-102 (2004).

Idaho

Smoking is prohibited in public or private elementary or secondary school buildings and educational facilities and within 20 feet of entrances and exits of such buildings or facilities.

IDAHO CODE §§ 39-5501 et seq. (2005).

Illinois

Each school board and Board of Education in cities of over 500,000 people shall prohibit the use of tobacco on school property by any school personnel, student or other person when such property is being used for any school purposes. The school board may not authorize or permit any exception to the prohibition at any place or at any time, including without limitation outside of school buildings or before or after the regular school day. "School purposes" include but are not limited to, all events, activities or other use of school property that are authorized by school officials including all interscholastic or extracurricular athletic, academic or other sponsored events in which pupils participate.

105 ILL. COMP. STAT. 5/10-20.5b & 5/34-18.11 (1995).

Indiana

Smoking is restricted to designated areas in "public buildings". Public schools; and classroom buildings and dining areas at a state educational institution are included in the definition of "public buildings." Smoking is also prohibited in a school bus during a school week or while the school bus is being used for the transportation of school children to and from the following: school, school athletic games or contests, or other school functions.

IND. CODE §§ 16-41-37-1 et seq. (2003).

Iowa

Smoking is restricted to designated areas in educational facilities. This law does not apply to rooms used primarily as the residence of students or other persons at an educational facility. For the purpose of equitable and uniform implementation, application, and enforcement of state and local laws and regulations, the provisions of this chapter shall supersede any local law or regulation which is inconsistent with or conflicts with the provisions of this chapter.

IOWA CODE §§ 142B et seq. (1990).

Kansas

The use of tobacco products in any public school building is prohibited. A school building is defined as an enclosed building used for pupil attendance purposes by the board of education of a unified school district. Not included are buildings or portions thereof used for residential purposes or leased from the school district for non-school sponsored activities.

KAN. STAT. ANN. § 72-53,107 (1988).

Kentucky

Any person, except adult employees of the school system who smoke in a room on the school premises designated by the superintendent or principal for the purpose, who smokes tobacco products in any school building or any part of any building used for school purposes, or upon school grounds, while children are assembled there for lawful purposes, except in areas in secondary schools designated and supervised by the

superintendent or principal for the purpose, shall be fined not less than \$1 nor more than \$5.

KY REV. STAT. ANN. § 438.050 (1988).

Maine

Tobacco use by students in public school buildings, and on public school property, is prohibited. School employees are similarly banned from smoking in these areas, but a local school board or school employees may establish designated smoking areas through collective bargaining. Smoking areas must be located away from areas frequented by students.

ME REV. STAT. ANN. tit. 22, § 1578-B (1993).

Maryland

The sale or use of tobacco in any form is prohibited in school buildings at all times. In addition, the sale or use of tobacco in any form is prohibited on school grounds during the official school day. Each local superintendent of schools must certify in writing to the State Superintendent of Schools that all school buildings and grounds are tobacco free. Each local school system must also post notification to students, staff, and the general public that school buildings and grounds are tobacco free.

CODE of MD REGS. (COMAR) tit. 13A §§ 02.04 et seq. (1992).

Massachusetts

Smoking is prohibited in any school, college, and university.

MASS. GEN. LAWS ch. 270, § 22 (2004).

Students in primary or secondary public schools in the Commonwealth are prohibited from using tobacco products of any type on school grounds during normal school hours.

MASS. GEN. LAWS ANN. ch. 71, § 2A (1987).

Michigan

Tobacco use is forbidden in any building, structure, or real estate owned, leased, or otherwise controlled by a school district. This law does not apply to that part of school property consisting of outdoor areas including, but not limited to, an open-air stadium, on weekends or other days on which there are no regularly scheduled classes, or after 6:00 p.m. on regular school days.

MICH. COMP. LAWS § 750.473 (1993).

Missouri

Use of tobacco products is prohibited entirely in any indoor area of a public elementary or secondary school building or educational facility, excluding institutions of higher learning, and on buses used to transport students any place for educational purposes. School boards or school districts may set policies on the use of tobacco products on school grounds or in facilities not occupied by students. Any person who violates this section shall be guilty of an infraction.

MO. REV. STAT. § 191.775 (1993).

Nebraska

Smoking is restricted to designated areas in educational facilities.

NEB. REV. STAT. §§ 71-5701 et seq. (1979).

North Carolina

Local boards of education shall adopt and enforce a written policy prohibiting the use of all tobacco products in enclosed school buildings during regular school hours. The policy may permit tobacco products to be included in instructional or research activities in public school buildings if the activity is conducted or supervised by the faculty member overseeing the instruction or research and the activity does not include smoking, chewing, or otherwise ingesting the tobacco product. Nothing in this section or any other section prohibits a local board of education from adopting and enforcing a more restrictive policy on the use of tobacco in school buildings, in school facilities, on school campuses, or at school-related or school-sponsored events, and in or on other school property.

N.C. GEN. STAT. §§ 115C-407 (2003).

North Dakota

Smoking is prohibited in public places, the definition of which includes public and private educational facilities.

N.D. CENT. CODE §§ 23-12-9 & 23-12-10 (2005).

Ohio

Smoking is prohibited in public places and places of employment, the definitions of which include the indoor areas of schools. Smoking is also prohibited in areas immediately adjacent to entrances to and exits from public places and places of employment.

OHIO REV. CODE ANN §§ 3794.01 to 3794.09 (2006).

Oklahoma

Smoking is prohibited in all primary and secondary schools. Nothing in this section shall be construed to prohibit educational facilities from having more restrictive policies regarding smoking and the use of other tobacco products in the buildings or on the grounds of the facility.

OKLA. STAT. ANN. tit. 63, § 1-1523 (2003).

Pennsylvania

Tobacco use or possession by pupils is prohibited in school buildings; and school buses or buses, vans or other vehicles owned by, leased by or under the control of a school district; and on school property owned by, leased by or under the control of a school district. Tobacco use by any person other than a pupil is prohibited in school buildings; and on buses, vans or other vehicles owned by, leased by or under the control of a school district; and on property owned by, leased by or under the control of a school district. The board of school directors may designate certain areas on property owned by, leased by or under the control of the school district where tobacco use by persons other than pupils is permitted. Such areas shall be no less than 50 feet from school buildings, stadiums or bleachers. The board of school directors may designate smoking areas for employees and shall establish policy to enforce the prohibition of tobacco use under this section and may further establish a policy relating to tobacco use at school-sponsored events which are held off school premises.

35 PA. CONS. STAT. ANN. § 1223.5 (2000).

Rhode Island

Smoking is prohibited in all primary and secondary schools, indoor athletic facilities, school administration buildings, playgrounds, school buses and outdoor areas within 25 feet of any school building. The governing body of each school in Rhode Island shall be responsible for the development of enforcement procedures to prohibit tobacco product usage by any person utilizing school facilities. All facilities used by a school, whether owned, leased or rented, shall be subject to the provisions of this chapter. Governing bodies of schools are liable for a civil penalty of not less than \$50 nor to exceed \$500. Nothing contained in this chapter shall be construed to restrict the power or authority of any Rhode Island city, town or other legal subdivision to adopt and enforce additional local laws, ordinances, or regulations that comply with at least the minimal applicable standards to establish smoke free schools.

R.I. GEN. LAWS § 23-20.9-1 et seq. (1993).

Smoking shall be prohibited in all enclosed public places, including primary, secondary and post-secondary education facilities. It is the declared policy of this state that there be uniformity in the application and enforcement

of smoking prohibitions. Any enactment relating to prohibitions in an area defined in this chapter shall be by statute as enacted by the general assembly; provided, however, that the general assembly may by statute delegate such authority to the cities and towns.

R.I. GEN. LAWS §§ 23-20.10-1 et seq. (2005).

South Carolina

Smoking is restricted in public schools and preschools where routine or regular kindergarten, elementary, or secondary educational classes are held including libraries. Private offices and teacher lounges which are not adjacent to classrooms or libraries are excluded unless the offices and lounges are included specifically in a directive by the local school board. This section does not prohibit school district boards of trustees from providing for a smoke-free campus.

S.C. CODE ANN. §§ 44-95-10 et seq. (1996).

Smoking on school buses is prohibited while the bus is in operation.

S.C. CODE ANN. § 59-67-150 (1962).

South Dakota

Smoking is prohibited in any elementary or secondary school buildings. The Legislature is the exclusive regulator of all matters relating to the use of tobacco products.

S.D. CODIFIED LAWS §§ 22-36-2 (2002) & 10-50-64 (2000).

Tennessee

Smoking is prohibited in all public and private kindergartens, elementary and secondary schools and school grounds. Smoking is allowed outdoors, but not within 50 feet of any entrance to any building; and in any fully enclosed adult staff residential quarters, but not in the presence of children attending such school. Adult staff members may be permitted to smoke outdoors after regular school hours on school grounds, but not blocking any entrance to the building and not in any public seating areas, including, but not limited to, bleachers used for sporting events, or public restrooms. Special school districts are specifically allowed to regulate the use of tobacco products in buildings owned or leased by such entities.

TENN. CODE ANN. §§ 39-17-1601 et seq. (1995) & 39-17-1551 (1994).

Texas

Students are prohibited from smoking or using tobacco products on school property or at any off-campus school-sanctioned activity.

TX EDUC. CODE § 21.927 (1987).

Smoking, or possession of a burning tobacco product, is restricted to designated areas in public primary and secondary schools.

TEX. PENAL CODE ANN. § 48.01 (1997).

Virginia

Smoking is prohibited in the interior of any public elementary, intermediate, and secondary school and in public school buses. The person(s) in charge of other educational facilities shall designate reasonable no-smoking areas, considering the nature of the use and the size of the building. Unless specifically permitted, local ordinances adopted after January 1, 1990, shall not contain provisions or standards which exceed those established in this chapter.

VA. CODE ANN. §§ 15.2-2801 (2002) & 15.2-2803 (1997).

West Virginia

No person shall distribute or use any tobacco product at all times in any building, property or vehicle leased, owned or operated by a county board of education, a Regional Education Service Agency (RESA), the State Department of Education or the State Board of Education. This policy shall apply to any private building, or other property including automobiles or other vehicles used for school activities when students or staff are present. Individuals supervising students off school grounds are prohibited from distributing or using any tobacco product while in the presence of students or any time while engaged in any activities directly involving students.

WV CSR §§ 126-66-1 et seq. (1998).

The use of tobacco products while the school is occupied for school purposes is restricted to faculty or staff lounges or offices that students do not have access to. Violation is punishable by a fine of \$1 to \$5 for each offense.

W. VA. CODE § 16-9A-4 (1987).

Wisconsin

The use of all tobacco products is prohibited on premises controlled by a school board, except that the school board may allow the use of tobacco products on premises owned by the school district and rented to another person for non-educational purposes.

WIS. STAT. § 120.12(20) (1989).

Smoking is restricted to designated areas in any other educational facility, which is any building used principally for educational purposes in which a school is located or a course of instruction or training program is offered that has been approved or licensed by a state agency or board.

WIS. STAT. § 101.123 (1992).

No School Laws**Wyoming**

None