



# Ohio Legislative Service Commission

## Bill Analysis

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### H.B. 221

131st General Assembly  
(As Introduced)

**Reps.** Ruhl and Ashford, Antonio, Bishoff, Brenner, Lepore-Hagan, K. Smith

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## BILL SUMMARY

- Extends to any person the law that prohibits a pupil from smoking, using, or possessing tobacco in an area under the control of a public school or at an activity supervised by a public school.
- Extends the prohibition to include an outdoor facility under the control of a public school.
- Prohibits any person from using or possessing nicotine in an area, including an outdoor facility, under the control of a public school or at an activity supervised by a public school.
- Specifies that the bill applies to all public schools rather than only those operated by school districts.

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## CONTENT AND OPERATION

### Tobacco use in public schools and at public school-sponsored activities

Existing law prohibits a pupil from smoking, using, or possessing tobacco as follows:

- (1) In an area under the control of a public school;
- (2) At an activity supervised by a public school.<sup>1</sup>

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<sup>1</sup> R.C. 3313.751.

At present, the tobacco prohibition applies only to a public school operated by a school district or educational service center (ESC).

The bill extends the current tobacco prohibition in several ways. First, it prohibits any person, not just a pupil, from smoking, using, or possessing tobacco. Second, it includes outdoor facilities under the control of a public school in the tobacco ban. Third, it applies the prohibition to all of the following types of public schools: schools operated by school districts, community schools (also known as charter schools), STEM schools, and college-preparatory boarding schools.<sup>2</sup> Finally, under the bill, using tobacco includes chewing or maintaining not only tobacco, but also substances derived from tobacco.

### **Nicotine use in public schools and at public school-sponsored activities**

The bill also prohibits the use or possession of nicotine by any person (1) in any area under the control of a public school, including outdoor facilities, or (2) at any activity supervised by any public school. This prohibition applies to any public school, including a school operated by a school district, community school, STEM school, or college-preparatory boarding school.

The bill defines the phrase "use nicotine" to include the consumption of nicotine by smoking, heating, chewing, absorbing, dissolving, or ingesting. It appears that the bill would prohibit the use of a nicotine replacement product, such as a nicotine patch, gum, or lozenge.

### **Enforcement and discipline**

Current law requires the board of education of each school district and the governing board of each ESC to adopt a policy that provides for enforcement of the tobacco prohibition and establishes disciplinary measures for pupils who violate the prohibition.<sup>3</sup> Under the bill, each board must instead adopt a policy that provides for enforcement of the tobacco and nicotine prohibitions against all persons and establishes disciplinary measures for student violators. This requirement applies to all public schools.

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<sup>2</sup> R.C. 3313.751, 3314.03, 3326.11, and 3328.24.

<sup>3</sup> R.C. 3313.751(C).



## Background – statewide smoking ban

In November of 2006, Ohio voters approved a ballot initiative to enact the Ohio Smoke Free Workplace Act, later codified in Chapter 3794. of the Revised Code.<sup>4</sup> The law, which went into effect on December 7, 2006, bans smoking in public places and places of employment, with limited exceptions.<sup>5</sup> It defines a "public place" as an enclosed area to which the public is invited or in which the public is permitted and that is not a private residence.<sup>6</sup>

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### HISTORY

ACTION	DATE
Introduced	05-19-15

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<sup>4</sup> R.C. 3794.01 *et seq.*

<sup>5</sup> R.C. 3794.02(A), not in the bill.

<sup>6</sup> R.C. 3794.01(B), not in the bill.

