



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-2100/1
FFK:kjf

2017 ASSEMBLY BILL 159

March 20, 2017 - Introduced by Representatives POPE, KOLSTE, MASON, MILROY, ANDERSON, SARGENT, BERCEAU, VRUWINK, CROWLEY, SUBECK, BILLINGS, SPREITZER, SINICKI, CONSIDINE, WACHS and MURSAU, cosponsored by Senators C. LARSON, MILLER, L. TAYLOR and RINGHAND. Referred to Committee on Education.

1 **AN ACT** *to amend* 119.04 (1); and *to create* 118.073 of the statutes; **relating to:**
2 policies regulating the use of electronic smoking devices on school district
3 property.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Public Instruction to develop a model policy regulating the use of electronic smoking devices on school district property (model electronic smoking policy). The bill also requires each school board to adopt an electronic smoking policy, which may be the same as the model electronic smoking policy developed by DPI. Under the bill, an “electronic smoking device” is defined as an electronic device containing or delivering nicotine, or any other substance, that an individual uses to simulate smoking by inhaling vapor or aerosol from the device.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 118.073 of the statutes is created to read:
5 **118.073 Policy on electronic smoking devices.** (1) In this section,
6 “electronic smoking device” means an electronic device containing or delivering
7 nicotine or any other substance intended for human consumption that an individual

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1 may use to simulate smoking by inhaling vapor or aerosol from the device, regardless
2 of whether the device is manufactured, distributed, marketed, or sold as an
3 “e-cigarette,” “e-cigar,” “e-pipe,” “e-hookah,” or “vape pen” or under any other
4 product name or descriptor.

5 (2) By 180 days after the effective date of this subsection [LRB inserts date],
6 the department shall develop a model policy regulating the use of electronic smoking
7 devices on school district property. The department shall post the model policy on
8 its Internet site.

9 (3) By 270 days after the effective date of this subsection [LRB inserts date],
10 each school board shall adopt a policy regulating the use of electronic smoking
11 devices on school district property. A school board may adopt the model policy under
12 sub. (2). The school board shall provide a copy of the policy to any person who
13 requests it.

14 **SECTION 2.** 119.04 (1) of the statutes is amended to read:

15 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
16 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
17 115.345, 115.363, 115.365 (3), 115.38 (2), 115.415, 115.445, 118.001 to 118.04,
18 118.045, 118.06, 118.07, ~~118.073~~, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14,
19 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19,
20 118.20, 118.223, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.255,
21 118.258, 118.291, 118.292, 118.293, 118.30 to 118.43, 118.46, 118.50, 118.51, 118.52,
22 118.53, 118.55, 118.56, 120.12 (2m), (4m), (5), and (15) to (27), 120.125, 120.13 (1), (2)
23 (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.137, 120.14,
24 120.20, 120.21 (3), and 120.25 are applicable to a 1st class city school district and
25 board but not, unless explicitly provided in this chapter or in the terms of a contract,

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1 to the commissioner or to any school transferred to an opportunity schools and
2 partnership program.

3 (END)