

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: HM 43

50th Legislature, 1st Session, 2011

Tracking Number: .185928.2

Short Title: Study to Enact the Clean Air on Campus Act

Sponsor(s): Representative Danice Picraux and Others

Analyst: James Ball

Date: March 1, 2011

Bill Summary:

HM 43 requests the Associate Vice President for Administration in the Office of the Chancellor for Health Services at the University of New Mexico to convene a task force to study how to implement a *Clean Air on Campus Act* that would ban smoking on the campuses of all public postsecondary educational institutions. The task force includes representatives from:

- the Council of University Presidents;
- independent community colleges;
- the New Mexico Association of Community Colleges; and
- any other entity the Associate Vice President for Administration deems appropriate.

HM 43 further requests that the task force submit a report, including recommendations for legislation, to the interim Legislative Health and Human Services Committee by October 31, 2011.

Fiscal Impact:

Legislative memorials do not contain appropriations.

Background:

The analysis by the Higher Education Department of similar legislation introduced earlier in the current session (HB 303) that prohibited smoking on virtually all property, including buildings and grounds, owned or operated by public postsecondary educational institutions, identified some implementation difficulties that require further study, including:

- provisions that might interfere with the authority provided in the *Dee Johnson Clean Indoor Air Act*;
- creating a maximum standard to which the institutions would need to adhere that could prevent them from adopting even more stringent local policies; and
- conflicts with previously established local government no-smoking policies that might already include public institutions of higher education;

Additionally, analysis and testimony in committee on HB 303 pointed out that public postsecondary institutions in New Mexico own or operate numerous properties away from the main campus to carry out a wide variety of programs. These properties can include stadiums,

gymnasiums, arenas, rodeo grounds, parking lots, community facilities owned by municipalities but operated by a college or university, store-fronts in malls, ranch land, and facilities operated on federal enclaves such as military bases, among others. Prohibiting smoking on all such properties and situations could prove problematic.

Related Bills:

HB 303 *Enact "Clean Air on Campus Act"*