

HOUSE BILL 303

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

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AN ACT

RELATING TO HEALTH; ENACTING THE CLEAN AIR ON CAMPUS ACT;
PROHIBITING SMOKING ON ALL PUBLIC POST-SECONDARY EDUCATIONAL
INSTITUTION CAMPUSES; PRESCRIBING PENALTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. SHORT TITLE.--This act may be cited as the
"Clean Air on Campus Act".

SECTION 2. DEFINITION OF CAMPUS.--As used in the Clean
Air on Campus Act, "campus" means all property, including
buildings and grounds, owned or operated by a public post-
secondary educational institution.

SECTION 3. SMOKING PROHIBITED.--

A. Except as provided in Subsection D of this
section, beginning August 1, 2011, smoking is prohibited on the
campuses of all public post-secondary educational institutions.

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1 B. No person shall discriminate or retaliate in any
2 manner against a person for making a complaint of a violation
3 of the Clean Air on Campus Act or furnishing information
4 concerning a violation to the appropriate authority within the
5 public post-secondary educational institution.

6 C. Each public post-secondary educational
7 institution shall communicate the provisions of the Clean Air
8 on Campus Act to its employees and enrolled students by July 1,
9 2011.

10 D. Smoking areas designated for use by patients
11 admitted to the university of New Mexico hospital are exempt
12 from the Clean Air on Campus Act.

13 **SECTION 4. NOTICE OF PROHIBITION OF SMOKING.--**"No
14 Smoking" signs or signs with the international "No Smoking"
15 symbol, consisting of a pictorial representation of a burning
16 cigarette enclosed in a red circle with a red bar across it,
17 shall be clearly and conspicuously posted throughout each
18 campus.

19 **SECTION 5. ENFORCEMENT AUTHORITY--RULES.--**Each public
20 post-secondary educational institution shall enforce the Clean
21 Air on Campus Act and shall adopt reasonable rules that it
22 determines are necessary to carry out the purposes of that act.

23 **SECTION 6. PENALTIES.--**A person who violates a provision
24 of the Clean Air on Campus Act is subject to:

25 A. a fine not to exceed one hundred dollars (\$100)

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1 for the first violation of that act;

2 B. a fine not to exceed two hundred dollars (\$200)
3 for the second violation of that act within any consecutive
4 twelve-month period of the first violation; and

5 C. a fine not to exceed three hundred dollars
6 (\$300) for the third violation and each subsequent violation of
7 that act within any consecutive twelve-month period of a
8 previous violation.