



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-4964/1
KMS:cdc

2023 ASSEMBLY BILL 1063

February 2, 2024 - Introduced by Representatives BILLINGS, VINING, BALDEH, BARE, BEHNKE, CLANCY, CONLEY, CONSIDINE, DRAKE, EMERSON, HONG, JOERS, MADISON, MAXEY, PALMERI, RATCLIFF, SINICKI, STUBBS, SUBECK and MURSAU, cosponsored by Senators CARPENTER, ROYS, SPREITZER and TAYLOR. Referred to Committee on State Affairs.

1 **AN ACT** *to create* 118.07 (6) of the statutes; **relating to:** prohibiting vaping on
2 public and private school property.

Analysis by the Legislative Reference Bureau

This bill prohibits vaping on school premises. Under the bill, “school premises” is defined as any real property owned by, rented by, or under the control of a school board, operator or governing board of an independent charter school, or governing body of a private school. “School premises” includes outdoor spaces such as playgrounds and athletic fields. The bill defines vaping as inhaling or exhaling vapor from an electronic smoking device, which is defined as a device that may be used to deliver any aerosolized or vaporized liquid or other substance for inhalation, regardless of whether the liquid or other substance contains nicotine.

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

3 **SECTION 1.** 118.07 (6) of the statutes is created to read:
4 118.07 (6) (a) In this subsection:
5 1. “Electronic smoking device” means a device that may be used to deliver any
6 aerosolized or vaporized liquid or other substance for inhalation, regardless of

ASSEMBLY BILL 1063**SECTION 1**

1 whether the liquid or other substance contains nicotine, including an e-cigarette,
2 e-cigar, e-pipe, vape pen, or e-hookah. “Electronic smoking device” does not include
3 drugs, devices, or combination products authorized for sale by the U.S. food and drug
4 administration, as those terms are defined in the Federal Food, Drug, and Cosmetic
5 Act.

6 2. “School premises” means all of the following:

7 a. Real property owned or rented by, or under the control of, a school board,
8 including playgrounds, athletic facilities or fields, and any other property that is
9 occupied by pupils on a regular basis.

10 b. Real property owned or rented by an operator or governing board of a charter
11 school that is used for the operation of a charter school, including playgrounds,
12 athletic facilities or fields, and any other property that is occupied on a regular basis
13 by pupils attending the charter school.

14 c. Real property owned or rented by the governing body of a private school that
15 is used for the operation of a private school, including playgrounds, athletic facilities
16 or fields, and any other property that is occupied on a regular basis by pupils
17 attending the private school.

18 3. “Vape” means to inhale or exhale vapor from an electronic smoking device.

19 (b) No individual may vape on school premises.

20

(END)