

The Senate of The State of Texas



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RQ-165

ID# 13564
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Opinion Committee

Honorable Dan Morales
Attorney General of Texas
Supreme Court Building, 7th Floor
Austin, TX 78711

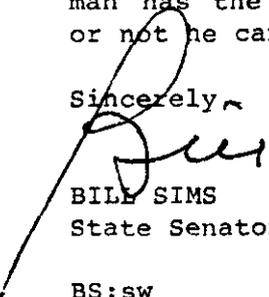
Dear Dan:

I would appreciate it if you would give me a letter opinion on something that has come up in my district. A school superintendent has, on his own initiative, established a "No Tobacco" policy which reads as follows: "Use of tobacco products by District Staff and General Public, shall be prohibited in all enclosed facilities, open air property, including parking lots, outdoor athletic fields, outdoor seating areas, all school vehicles or other property owned by Kermit Independent School District." All employees in violation of this ruling shall have a written reprimand for first offense, suspension of job for second offense and possible termination for third offense.

I assume this also includes the teacherages owned by the school district. I have no idea what the penalties will be for the general public, but I understand that the superintendent expects the local law enforcement officers to enforce his ruling.

Please let me hear from you as soon as possible as to whether or not this man has the authority to enact a ruling such as this, and further, whether or not he can enforce it.

Sincerely,


BILL SIMS
State Senator - 25th District

BS:sw