

House Bill 995

By: Representatives Barnes of the 86<sup>th</sup>, Crawford of the 89<sup>th</sup>, Berry of the 56<sup>th</sup>, McQueen of the 61<sup>st</sup>, Holly of the 116<sup>th</sup>, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia  
2 Annotated, relating to student health in elementary and secondary education, so as to provide  
3 for the establishment of and purpose for the Vape-Free Schools Grant Program; to provide  
4 for the allocation of grant awards under such program; to provide for grant award criteria,  
5 terms, and conditions; to require the State Board of Education to develop a model policy on  
6 student vaping awareness and prevention; to require the Department of Education to create  
7 a list of approved vaping detectors, develop guidance and resources to facilitate partnerships  
8 for student rehabilitative services relative to vaping; to require public schools with grades  
9 nine through 12 to acquire and install vaping detectors and include vaping policy provisions  
10 in the student code of conduct; to provide for grant application form, procedures, and  
11 requirements; to provide for annual reporting; to provide for construction; to provide for  
12 rules and regulations; to provide for contingent effectiveness and automatic repeal; to provide  
13 for definitions; to provide a short title; to provide for related matters; to repeal conflicting  
14 laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

H. B. 995

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**SECTION 1.**

16

17 This Act shall be known and may be cited as the "Vape-Free Schools Act."

**SECTION 2.**

18

19 Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,  
20 relating to student health in elementary and secondary education, is amended by adding a  
21 new Code section to read as follows:

22 "20-2-776.6.

23 (a) As used in this Code section, the term:

24 (1) 'Grant program' means the Vape-Free Schools Grant Program established pursuant  
25 to subsection (b) of this Code section.

26 (2) 'Public secondary school' means all public schools with grades nine through 12.

27 (3) 'Vaping' means the act of inhaling and exhaling aerosol or vapor produced by a  
28 vaping product.

29 (4) 'Vaping detector' means a device that is capable of detecting vaping and alerting the  
30 appropriate staff of a public secondary school of such vaping through the use of a  
31 real-time, silent alarm.

32 (5) 'Vaping product' shall have the same meaning as 'vapor product' as set forth in Code  
33 Section 16-12-170.

34 (b) Not later than December 31, 2026, the State Board of Education shall:

35 (1) Establish the Vape-Free Schools Grant Program. The purpose of such grant program  
36 shall be to provide resources and funding to public secondary schools for the purpose of  
37 acquiring, installing, and maintaining vaping detectors in accordance with paragraph (1)  
38 of subsection (d) of this Code section. Grants shall be awarded to public secondary  
39 schools based on criteria, terms, and conditions as determined by the State Board of  
40 Education; and

41 (2) Promulgate a model policy on vaping awareness and prevention that is consistent  
42 with the requirements set forth in paragraph (2) of subsection (d) of this Code section.

43 (c) Not later than December 31, 2026, the Department of Education shall, in consultation  
44 with the Department of Public Health, the Department of Administrative Services, and  
45 appropriate experts:

46 (1) Develop a list of approved vaping detectors that may be used to fulfill the  
47 requirements of paragraph (1) of subsection (d) of this Code section; and

48 (2) Develop guidance and resources for public secondary schools to facilitate the  
49 establishment of partnerships with organizations specializing in rehabilitative services for  
50 students, consistent with the purposes of this Code section.

51 (d) Prior to the 2027-2028 school year, each local board of education and other public  
52 school governing body shall establish a policy that requires each public secondary school  
53 to:

54 (1) Acquire and install vaping detectors, approved by the Department of Education  
55 pursuant to paragraph (1) of subsection (c) of this Code section, in areas within such  
56 schools where students might attempt to engage in vaping, including, but not limited to,  
57 all student bathrooms and locker rooms; and

58 (2) Adopt and include in the student code of conduct for that school, as annually  
59 distributed pursuant to Code Section 20-2-736, a policy on vaping awareness and  
60 prevention. Such policy shall be developed in consultation with school and community  
61 stakeholders and appropriate experts, and shall, at minimum, include:

62 (A) A statement prohibiting any student at a public secondary school from possessing  
63 or using any vaping product on school premises, on a school bus, or at any school  
64 sponsored function and from tampering with a vaping detector;

65 (B) A series of graduated consequences for any student who violates such policy,  
66 which shall include, but shall not be limited to, required participation in a certified drug

67 and alcohol awareness class. Such consequences shall conform with applicable  
68 disability, antidiscrimination, and education laws and school discipline policies;  
69 (C) A complaint form and procedure for anonymously reporting violations of such  
70 policy; provided, however, that an anonymous report may not be the basis of imposing  
71 formal disciplinary action against a student;  
72 (D) A procedure for the prompt investigation of any report of a violation of such  
73 policy;  
74 (E) A response procedure for school staff to follow upon confirmation of a violation  
75 of such policy; and  
76 (F) A procedure for publicizing that school's policy in that school's student code of  
77 conduct.  
78 (e) A public secondary school seeking to participate and receive funding under the grant  
79 program shall submit an application to the Department of Education in the manner  
80 prescribed by the Department of Education, according to policies, rules, and regulations  
81 established by the State Board of Education.  
82 (f) The Department of Education shall collect, maintain, and annually report to the  
83 Department of Public Health, the chairperson on the House Committee on Education, and  
84 the chairperson on the Senate Education and Youth Committee data for the preceding  
85 school year, including, at a minimum, the number of vaping alerts occurring at each public  
86 secondary school and the effectiveness of the vaping detectors and other measures at each  
87 public secondary school in reducing student vaping.  
88 (g) Nothing in this Code section shall be construed to:  
89 (1) Preclude a public secondary school from acquiring and installing vaping detectors  
90 in accordance with paragraph (1) of subsection (d) of this Code section at its own  
91 expense; or  
92 (2) Require any public secondary school to acquire and install vaping detectors in  
93 accordance with paragraph (1) of subsection (d) of this Code section if such school had

94 acquired or installed vaping detectors prior to July 1, 2026; provided, however, that any  
95 such existing vaping detectors shall be capable of providing real-time alerts of vaping to  
96 the appropriate staff and shall be installed within all student bathrooms and locker rooms  
97 and such other areas within the school where students might attempt to engage in vaping.  
98 (h) The State Board of Education is authorized to establish policies, rules, and regulations  
99 as necessary to administer and implement this Code section."

100

**SECTION 3.**

101 The provisions of Code Section 20-2-776.6 in Section 2 of this Act shall become effective  
102 only if funds are specifically appropriated for the purposes of such Code section in an  
103 appropriations Act enacted by the General Assembly and shall stand repealed by operation  
104 of law on December 31, 2026, if no such funding becomes available by September 30, 2026.

105

**SECTION 4.**

106 All laws and parts of laws in conflict with this Act are repealed.