

HOUSE BILL No. 4985

June 22, 2005, Introduced by Reps. Kolb, Zelenko and Leland and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 473 (MCL 750.473), as added by 1993 PA 140.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 473. (1) ~~Except as otherwise provided in subsection (4),~~
2 a- A person shall not use a tobacco product on school property.
3 (2) A person who violates subsection (1) is guilty of a
4 misdemeanor, punishable by a fine of not more than \$50.00.
5 (3) As used in this section:
6 (a) "School district" means a school district, local act
7 school district, or intermediate school district, as those terms
8 are defined in the **REVISED** school code, ~~of 1976, Act No. 451 of~~
9 ~~the Public Acts of 1976, being sections 380.1 to 380.1852 of the~~

1 ~~Michigan Compiled Laws 1976 PA 451, MCL 380.1 TO 380.1852~~; a joint
2 high school district formed under **FORMER** part 3A of ~~Act No. 451 of~~
3 ~~the Public Acts of 1976, being sections 380.171 to 380.187 of the~~
4 ~~Michigan Compiled Laws~~ **THE REVISED SCHOOL CODE, 1976 PA 451**; or a
5 consortium or cooperative arrangement consisting of any combination
6 of these.

7 (b) "School property" means a building, facility, or structure
8 and other real estate owned, leased, or otherwise controlled by a
9 school district. **SCHOOL PROPERTY INCLUDES OUTDOOR AREAS.**

10 (c) "Tobacco product" means a preparation of tobacco to be
11 inhaled, chewed, or placed in a person's mouth.

12 (d) "Use a tobacco product" means any of the following:

13 (i) The carrying by a person of a lighted cigar, cigarette,
14 pipe, or other lighted smoking device.

15 (ii) The inhaling or chewing of a tobacco product.

16 (iii) The placing of a tobacco product within a person's mouth.

17 ~~— (4) Subsection (1) does not apply to that part of school~~
18 ~~property consisting of outdoor areas including, but not limited to,~~
19 ~~an open air stadium, during either of the following time periods:~~

20 ~~— (a) Saturdays, Sundays, and other days on which there are no~~
21 ~~regularly scheduled school hours.~~

22 ~~— (b) After 6 p.m. on days during which there are regularly~~
23 ~~scheduled school hours.~~

24 Enacting section 1. This amendatory act does not take effect
25 unless Senate Bill No.____ or House Bill No. 4986(request no.
26 02815'05) of the 93rd Legislature is enacted into law.