

HOUSE BILL No. 4986

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,"
(MCL 750.1 to 750.568) by adding section 473a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 473A. (1) A PERSON SHALL NOT USE A TOBACCO PRODUCT ON
2 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) "PUBLIC SCHOOL ACADEMY" MEANS A PUBLIC SCHOOL ACADEMY,
7 URBAN HIGH SCHOOL ACADEMY, OR STRICT DISCIPLINE ACADEMY ORGANIZED
8 AND OPERATING UNDER THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.1
9 TO 380.1852.

1 (B) "SCHOOL PROPERTY" MEANS A BUILDING, FACILITY, OR STRUCTURE
2 AND OTHER REAL ESTATE OWNED, LEASED, OR OTHERWISE CONTROLLED BY A
3 PUBLIC SCHOOL ACADEMY. SCHOOL PROPERTY INCLUDES OUTDOOR AREAS.

4 (C) "TOBACCO PRODUCT" MEANS A PREPARATION OF TOBACCO TO BE
5 INHALED, CHEWED, OR PLACED IN A PERSON'S MOUTH.

6 (D) "USE A TOBACCO PRODUCT" MEANS ANY OF THE FOLLOWING:

7 (i) THE CARRYING BY A PERSON OF A LIGHTED CIGAR, CIGARETTE,
8 PIPE, OR OTHER LIGHTED SMOKING DEVICE.

9 (ii) THE INHALING OR CHEWING OF A TOBACCO PRODUCT.

10 (iii) THE PLACING OF A TOBACCO PRODUCT WITHIN A PERSON'S MOUTH.

11 Enacting section 1. This amendatory act does not take effect
12 unless Senate Bill No.____ or House Bill No. 4985(request no.
13 02814'05) of the 93rd Legislature is enacted into law.