

HOUSE BILL No. 5825

March 7, 2006, Introduced by Reps. Anderson, Stahl, Vagnozzi, Gonzales, Hood and Lemmons, III 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 person shall not use a tobacco product on school property **OR IN A**
3 **COLLEGE DORMITORY.**

4 (2) A person who violates subsection (1) is guilty of a
5 misdemeanor, punishable by a fine of not more than ~~-\$50.00~~
6 **\$100.00.**

7 (3) As used in this section:

8 (A) **"COLLEGE DORMITORY" MEANS A DORMITORY OPERATED BY A DEGREE**

1 OR CERTIFICATE GRANTING PUBLIC OR INDEPENDENT NONPROFIT UNIVERSITY,
2 COLLEGE, COMMUNITY COLLEGE, OR JUNIOR COLLEGE.

3 (B) ~~(a)~~ "School district" means a school district, local act
4 school district, or intermediate school district, as those terms
5 are defined in the school code of 1976, ~~Act No. 451 of the Public~~
6 ~~Acts of 1976, being sections 380.1 to 380.1852 of the Michigan~~
7 ~~Compiled Laws 1976 PA 451, MCL 380.1 TO 380.1852~~; a joint high
8 school district formed under part 3A of ~~Act No. 451 of the Public~~
9 ~~Acts of 1976, being sections 380.171 to 380.187 of the Michigan~~
10 ~~Compiled Laws 1976 PA 451, MCL 380.171 TO 380.187~~; or a consortium
11 or cooperative arrangement consisting of any combination of these.

12 (C) ~~(b)~~ "School property" means a building, facility, or
13 structure and other real estate owned, leased, or otherwise
14 controlled by a school district.

15 (D) ~~(e)~~ "Tobacco product" means a preparation of tobacco to
16 be inhaled, chewed, or placed in a person's mouth.

17 (E) ~~(d)~~ "Use a tobacco product" means any of the following:

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

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

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

22 (4) Subsection (1) does not apply to that part of school
23 property consisting of outdoor areas including, but not limited to,
24 an open-air stadium, during either of the following time periods:

25 (a) Saturdays, Sundays, and other days on which there are no
26 regularly scheduled school hours.

27 (b) After 6 p.m. on days during which there are regularly

1 scheduled school hours.