

SENATE BILL NO. 537

May 27, 1997, Introduced by Senators GEAKE, STALLINGS,
SHUGARS, HART, MC MANUS, BOUCHARD, GOUGEON, ROGERS,
PETERS and DINGELL 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
2 subsection (4), a person shall not use a tobacco product on
3 school property.
- 4 (2) A person who violates subsection (1) is guilty of a mis-
5 demeanor, punishable by a fine of not more than \$50.00. IF A
6 MINOR VIOLATES SUBSECTION (1), THE DISTRICT COURT HAS CONCURRENT
7 JURISDICTION OVER THE CASE AND SHALL HANDLE THE CASE IN THE SAME
8 MANNER AS THE FAMILY DIVISION OF THE CIRCUIT COURT UNDER CHAPTER
9 XIIIA OF 1939 PA 288, MCL 712A.1 TO 712A.32.
- 10 (3) As used in this section:

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

10 (b) "School property" means a building, facility, or struc-
11 ture and other real estate owned, leased, or otherwise controlled
12 by a school district.

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

15 (d) "Use a tobacco product" means ~~any~~ 1 OR MORE of the
16 following:

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

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

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

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

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

1 (b) After 6 p.m. on days during which there are regularly
2 scheduled school hours.

3 Enacting section 1. This amendatory act does not take
4 effect unless all of the following bills of the 89th Legislature
5 are enacted into law:

6 (a) Senate Bill No. 538.

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8 (b) Senate Bill No. 539.

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