

Act No. 140
Public Acts of 1993
Approved by the Governor
August 03, 1993
Filed with the Secretary of State
August 04, 1993

**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1993**

Introduced by Senators DeGrow, Geake, Carl, Schwarz, Faxon, Pollack, DiNello, Ehlers, Pridnia, Dunaskiss, Emmons, Miller, Bouchard, Honigman, McManus, Van Regenmorter, Berryman, Faust, Conroy and Gast

ENROLLED SENATE BILL No. 459

AN ACT to amend Act No. 328 of the Public Acts of 1931, entitled as amended "An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," as amended, being sections 750.1 to 750.568 of the Michigan Compiled Laws, by adding section 473.

The People of the State of Michigan enact:

Section 1. Act No. 328 of the Public Acts of 1931, as amended, being sections 750.1 to 750.568 of the Michigan Compiled Laws, is amended by adding section 473 to read as follows:

Sec. 473. (1) Except as otherwise provided in subsection (4), a person shall not use a tobacco product on school property.

(2) A person who violates subsection (1) is guilty of a misdemeanor, punishable by a fine of not more than \$50.00.

(3) As used in this section:

(a) "School district" means a school district, local act school district, or intermediate school district, as those terms are defined in the school code of 1976, Act No. 451 of the Public Acts of 1976, being sections 380.1 to 380.1852 of the Michigan Compiled Laws; a joint high school district formed under part 3a of Act No. 451 of the Public Acts of 1976, being sections 380.171 to 380.187 of the Michigan Compiled Laws; or a consortium or cooperative arrangement consisting of any combination of these.

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

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

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

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

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

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

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

- (a) Saturdays, Sundays, and other days on which there are no regularly scheduled school hours.
- (b) After 6 p.m. on days during which there are regularly scheduled school hours.

Section 2. This amendatory act shall take effect September 1, 1993.

This act is ordered to take immediate effect.

Secretary of the Senate.

Co-Clerk of the House of Representatives.

Approved -----

Governor.