



# HOUSE BILL No. 5026

September 15, 1993, Introduced by Rep. Richard A. Young and referred to the Committee on Education.

A bill to amend section 473 of Act No. 328 of the Public Acts of 1931, entitled as amended  
"The Michigan penal code,"  
as added by Act No. 140 of the Public Acts of 1993, being section 750.473 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 473 of Act No. 328 of the Public Acts of  
2 1931, as added by Act No. 140 of the Public Acts of 1993, being  
3 section 750.473 of the Michigan Compiled Laws, is amended to read  
4 as follows:

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

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

1 (3) As used in this section:

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

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

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

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

21 (4) ~~Subsection~~ DURING EITHER OF THE FOLLOWING TIME PERI-  
22 ODS, SUBSECTION (1) does not apply to SCHOOL PROPERTY USED FOR A  
23 FUND-RAISING ACTIVITY APPROVED BY THE GOVERNING BOARD OF THE  
24 SCHOOL DISTRICT, OR TO that part of school property consisting of  
25 outdoor areas including, but not limited to, an open-air  
26 stadium: ~~, during either of the following time periods:~~

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

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