

# SENATE BILL No. 730

September 6, 2005, Introduced by Senators JACOBS, JOHNSON, GEORGE and BASHAM and referred to the Committee on Education.

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~~ A person shall not use a tobacco product on 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) "School district" means a school district, local act  
7 school district, or intermediate school district, as those terms  
8 are defined in the **REVISED** school code, ~~of 1976, Act No. 451 of~~  
9 ~~the Public Acts of 1976, being sections 380.1 to 380.1852 of the~~

1 ~~Michigan Compiled Laws 1976 PA 451, MCL 380.1 TO 380.1852~~; a joint  
2 high school district formed under **FORMER** part 3A of ~~Act No. 451 of~~  
3 ~~the Public Acts of 1976, being sections 380.171 to 380.187 of the~~  
4 ~~Michigan Compiled Laws~~ **THE REVISED SCHOOL CODE, 1976 PA 451**; or a  
5 consortium or cooperative arrangement consisting of any combination  
6 of these.

7 (b) "School property" means a building, facility, or structure  
8 and other real estate owned, leased, or otherwise controlled by a  
9 school district. **SCHOOL PROPERTY INCLUDES OUTDOOR AREAS.**

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

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

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

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

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

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

20 ~~— (a) Saturdays, Sundays, and other days on which there are no~~  
21 ~~regularly scheduled school hours.~~

22 ~~— (b) After 6 p.m. on days during which there are regularly~~  
23 ~~scheduled school hours.~~

24 Enacting section 1. This amendatory act does not take effect  
25 unless Senate Bill No. 731

26 of the 93rd Legislature is enacted into law.