

**THE MICHIGAN PENAL CODE (EXCERPT)**  
**Act 328 of 1931**

**750.473 Use of tobacco product on school property prohibited; violation as misdemeanor; definitions; applicability of subsection (1) to outdoor areas.**

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.

**History:** Add. 1993, Act 140, Eff. Sept. 1, 1993.