

# HOUSE BILL No. 6117

August 4, 2004, Introduced by Reps. Kolb, Meisner, Minore, Jamnick, Bieda, Gillard, Lipsey, Vagnozzi, Accavitti and Farrah and referred to the Committee on Government Operations.

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~~ A person shall not use a tobacco product on  
 3 school property.

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

6       (3) As used in this section:

7       (a) "School district" means a school district, local act  
 8 school district, or intermediate school district, as those terms  
 9 are defined in the **revised** school code, ~~of 1976, Act No. 451 of~~  
 10 ~~the Public Acts of 1976, being sections 380.1 to 380.1852 of the~~  
 11 ~~Michigan Compiled Laws~~ **1976 PA 451, MCL 380.1 to 380.1852; a**

1 joint high school district formed under **former** part 3A of ~~Act~~  
2 ~~No. 451 of the Public Acts of 1976, being sections 380.171 to~~  
3 ~~380.187 of the Michigan Compiled Laws~~ **the revised school code,**  
4 **1976 PA 451; a public school academy organized and operating**  
5 **under the revised school code, 1976 PA 451, MCL 380.1 to**  
6 **380.1852;** or a consortium or cooperative arrangement consisting  
7 of any combination of these.

8 (b) "School property" means a building, facility, or  
9 structure and other real estate owned, leased, or otherwise  
10 controlled by a school district. **School property includes**  
11 **outdoor areas.**

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

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

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

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

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

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

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

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