

HOUSE BILL No. 5635

January 17, 2008, Introduced by Reps. Byrum, Ball, Griffin, Bieda, Condino, Corriveau, Coulouris, Byrnes, Wojno, Gillard, Bauer, Warren, Alma Smith, Constan, McDowell, Lindberg and Valentine 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 the~~
 9 ~~Public Acts of 1976, being sections 1976 PA 451, MCL 380.1 to~~
 10 ~~380.1852, of the Michigan Compiled Laws; a joint high school~~
 11 ~~district formed under part 3A of Act No. 451 of the Public Acts of~~

1 ~~1976, being sections 380.171 to 380.187 of the Michigan Compiled~~
2 ~~Laws, or a consortium or cooperative arrangement consisting of any~~
3 combination of these **ENTITIES**.

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

7 (c) "Tobacco product" means a ~~preparation of~~ **PRODUCT THAT**
8 **CONTAINS** tobacco ~~to be inhaled, chewed, or placed in a person's~~
9 ~~mouth~~ **AND IS INTENDED FOR HUMAN CONSUMPTION, INCLUDING, BUT NOT**
10 **LIMITED TO, CIGARETTES, NONCIGARETTE SMOKING TOBACCO, OR SMOKELESS**
11 **TOBACCO, AS THOSE TERMS ARE DEFINED IN SECTION 2 OF THE TOBACCO**
12 **PRODUCTS TAX ACT, 1993 PA 327, MCL 205.422, AND CIGARS.**

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

14 (i) ~~The carrying by a person~~ **BURNING** of a lighted cigar,
15 cigarette, pipe, or **ANY** other lighted ~~smoking device~~ **MATTER OR**
16 **SUBSTANCE THAT CONTAINS A TOBACCO PRODUCT.**

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

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

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

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

24 ~~(b) After 6 p.m. on days during which there are regularly~~
25 ~~scheduled school hours.~~