

Legislative Analysis



DEFINITION OF AIRPORT STERILE AREA

Phone: (517) 373-8080
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Senate Bill 22 as reported from House committee

Sponsor: Sen. John Damoose

House Committee: Transportation, Mobility and Infrastructure

Senate Committee: Transportation and Infrastructure

Complete to 10-14-23

Analysis available at
<http://www.legislature.mi.gov>

(Enacted as Public Act 219 of 2023)

SUMMARY:

Senate Bill 22 would amend the Aeronautics Code to revise the definition of *sterile area* in a provision that prohibits an individual from possessing, carrying, or attempting to possess or carry a firearm, explosive, knife, razor or box cutter or similarly bladed item, or dangerous weapon in the *sterile area* of a commercial airport. (Generally speaking, an airport's *sterile area* is the space beyond the security screening checkpoint.)

This provision was enacted in 2001 and says that *sterile area* means that term as defined in 14 CFR 107.1. However, 14 CFR 107.1 (and several other regulations) ceased to exist in 2002 when aviation security oversight was transferred from the Federal Aviation Administration (FAA) to the Transportation Security Administration (TSA).¹ Then, in 2016, the FAA issued a new set of rules addressing drones that re-used several part and section numbers of the earlier rules. As a result, there is once again a rule designated 14 CFR 107.1, but it is about the rules for drones and does not have a definition for "sterile area."

Under the bill, *sterile area* would mean a portion of an airport defined in an airport security program approved by the TSA under 49 CFR 1542.101 that provides passengers access to boarding aircraft and to which the access generally is controlled by the TSA, or by an aircraft operator under 49 CFR part 1544 or a foreign air carrier under 49 CFR part 1546, through the screening of individuals and property.²

In addition, the Aeronautics Code provides an exception from the above prohibition for certain specified individuals, including members of the United States Army, Air Force, Navy, Marine Corps, or Coast Guard who possess or carry a firearm or other item described above in the line of duty.

The bill would add members of the Space Force to this exception.

MCL 259.80f

FISCAL IMPACT:

The bill has no apparent fiscal impact on the state of Michigan or on local units of government.

¹ <https://www.govinfo.gov/content/pkg/FR-2002-02-22/pdf>

² This proposed definition is substantively the same as the definition of "sterile area" in 49 CFR 1540.5, which is among the rules issued by TSA in 2002 to replace the prior FAA rules. See <https://www.ecfr.gov/current/title-49/subtitle-B/chapter-XII/subchapter-C/part-1540/subpart-A/section-1540.5>

POSITIONS:

Representatives of the following entities testified in support of the bill (9-26-23):

- Emmet County Prosecuting Attorney's Office
- Michigan Association of Airport Executives and Cherry Capital Airport

The following entities indicated support for the bill (9-26-23):

- Department of Transportation
- Gerald R. Ford Airport

Legislative Analyst: E. Best
Fiscal Analyst: William E. Hamilton

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.