

By: Moody

To: Judiciary B

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 641

1 AN ACT TO CODIFY SECTIONS 97-32-25, 97-32-27 AND 97-32-29,  
2 MISSISSIPPI CODE OF 1972, TO PROHIBIT THE USE OF TOBACCO BY ADULTS  
3 ON SCHOOL PROPERTY AND TO PRESCRIBE FINES FOR VIOLATIONS THEREOF;  
4 AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 SECTION 1. The following provision shall be codified as

7 Section 97-32-25, Mississippi Code of 1972:

8 97-32-25. This act shall be known and cited as "Mississippi  
9 Adult Tobacco Use on Educational Property Act of 2000."

10 SECTION 2. The following provision shall be codified as

11 Section 97-32-27, Mississippi Code of 1972:

12 97-32-27. (1) "Adult" means any natural person, age  
13 eighteen (18) years old.

14 (2) "Minor" means any natural person under the age of  
15 eighteen (18) years old.

16 (3) "Person" means any natural person.

17 (4) "Tobacco product" means any substance that contains  
18 tobacco including, but not limited to, cigarettes, cigars, pipes,  
19 snuff, smoking tobacco or smokeless tobacco.

20 (5) "School property" means any public or private school  
21 building or bus, public or private school campus, grounds,  
22 recreational area, athletic field, or other property owned, used  
23 or operated by any local school board, school, or directors for  
24 the administration of any public or private educational  
25 institution or during a school-related activity; provided,  
26 however, that the term "school property" shall not include any  
27 sixteenth section school land or lieu land on which is not located

28 a school building, school campus, recreational area or athletic  
29 field.

30 SECTION 3. The following provision shall be codified as  
31 Section 97-32-29, Mississippi Code of 1972:

32 97-32-29. No person shall use any tobacco product on any  
33 school property as defined in Section 2 of this act. Any adult  
34 who violates this section shall be subject to a fine and shall be  
35 liable as follows: (a) for a first conviction, a fine of Fifty  
36 Dollars (\$50.00); (b) for a second conviction, fine of  
37 Seventy-five Dollars (\$75.00); and (c) for all subsequent  
38 convictions, a fine of One Hundred Fifty Dollars (\$150.00) shall  
39 be imposed.

40 Any adult found in violation of this section shall be issued  
41 a citation by the law enforcement agency issuing the citation.  
42 Notification shall include the opportunity for hearing before the  
43 appropriate court. For the purposes of this section, "subsequent  
44 violations" are those committed on any educational property within  
45 the State of Mississippi.

46 It is the responsibility of all law enforcement officers and  
47 law enforcement agencies of this state to ensure that the  
48 provisions of this act are enforced.

49 SECTION 4. This act shall take effect and be in force from  
50 and after July 1, 2000.