

By: Moody

To: Judiciary B

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 EDUCATIONAL PROPERTY AND TO PRESCRIBE CRIMINAL PENALTIES FOR
4 VIOLATION THEREOF; 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 SECTION 3. The following provision shall be codified as

21 Section 97-32-29, Mississippi Code of 1972:

22 97-32-29. No person shall use any tobacco product on any
23 educational property as defined in Section 97-37-17, Mississippi
24 Code of 1972. Any adult who violates this section shall be guilty
25 of a misdemeanor and shall be liable as follows: (a) for a first
26 conviction, a fine of Fifty Dollars (\$50.00); (b) for a second
27 conviction, fine of Seventy-five Dollars (\$75.00); and (c) for all

28 subsequent convictions, a fine of One Hundred Fifty Dollars
29 (\$150.00) shall be imposed.

30 Any adult found in violation of this section shall be issued
31 a citation by the law enforcement agency issuing the citation.
32 Notification shall include the opportunity for hearing before the
33 appropriate court. For the purposes of this section, "subsequent
34 violations" are those committed on any educational property within
35 the State of Mississippi.

36 It is the responsibility of all law enforcement officers and
37 law enforcement agencies of this state to ensure that the
38 provisions of this act are enforced.

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