

By: Moody

To: Judiciary B

HOUSE BILL NO. 641
(As Passed the House)

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 CERTAIN SCHOOL PROPERTY AND TO PRESCRIBE FINES FOR VIOLATIONS
4 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 (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. School property shall not include

28 property owned or operated by the state institutions of higher
29 learning or the public community and junior colleges.

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.