

By: Moody

To: Judiciary B

HOUSE BILL NO. 641  
(As Sent to Governor)

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 EDUCATIONAL PROPERTY AND TO PRESCRIBE FINES FOR  
4 VIOLATIONS 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 at least  
13 eighteen (18) years old.

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

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

28 campus, public school recreational area or public school athletic  
29 field. Educational property shall not include property owned or  
30 operated by the state institutions of higher learning, the public  
31 community and junior colleges, or vocational-technical complexes  
32 where only adult students are in attendance.

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

35 97-32-29. No person shall use any tobacco product on any  
36 educational property as defined in Section 2 of this act. Any  
37 adult who violates this section shall be subject to a fine and  
38 shall be liable as follows: (a) for a first conviction, a  
39 warning; (b) for a second conviction, a fine of Seventy-five  
40 Dollars (\$75.00); and (c) for all subsequent convictions, a fine  
41 not to exceed One Hundred Fifty Dollars (\$150.00) shall be  
42 imposed.

43 Any adult found in violation of this section shall be issued  
44 a citation by a law enforcement officer, which citation shall  
45 include notice of the date, time and location for hearing before  
46 the justice court having jurisdiction where the violation is  
47 alleged to have occurred. For the purposes of this section,  
48 "subsequent convictions" are for violations committed on any  
49 educational property within the State of Mississippi.

50 Anyone convicted under this act shall be recorded as being  
51 fined for a civil violation of the act and not for violating a  
52 criminal statute.

53 It is the responsibility of all law enforcement officers and  
54 law enforcement agencies of this state to ensure that the  
55 provisions of this act are enforced.

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