

## REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MR. PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 641: Tobacco; prohibit use by adults on certain school property.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

**AMEND** by striking Section 2 in its entirety and substituting the following in lieu thereof:

SECTION 2. The following provision shall be codified as Section 97-32-27, Mississippi Code of 1972:

97-32-27. (1) "Adult" means any natural person at least eighteen (18) years old.

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

(3) "Person" means any natural person.

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

(5) "Educational property" means any public school building or bus, public school campus, grounds, recreational area, athletic field, or other property owned, used or operated by any local school board, school, or directors for the administration of any public educational institution or during a school-related activity; provided, however, that the term "educational property" shall not include any sixteenth section school land or lieu land on which is not located a public school building, public school campus, public school recreational area or public school athletic field. Educational property shall not include property owned or operated by the state institutions of higher learning, the public

community and junior colleges, or vocational-technical complexes where only adult students are in attendance.

**AMEND** by striking Section 3 in its entirety and substituting the following in lieu thereof:

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

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

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

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

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

**AMEND** by striking Section 4 in its entirety and substituting the following in lieu thereof:

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

**AMEND** by striking the title in its entirety and inserting in lieu thereof the following:

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

CONFEREES FOR THE HOUSE

X \_\_\_\_\_

Edward Blackmon, Jr.

X \_\_\_\_\_

Willie Bailey

\_\_\_\_\_

Eric Robinson

CONFEREES FOR THE SENATE

X \_\_\_\_\_

Robert G. Huggins

X \_\_\_\_\_

Terry C. Burton

X \_\_\_\_\_

Bennie L. Turner