

DEFINITION OF AIRPORT STERILE AREA

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House Bill 6123 as reported from committee

Sponsor: Rep. John N. Damoose

Committee: Transportation

Complete to 11-1-22

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 6123 would amend the Aeronautics Code of the State of Michigan to revise the definition of *sterile area* in a provision that prohibits an individual from possessing, carrying, or attempting to possess or carry a firearm, explosive, knife, razor or box cutter or similarly bladed item, or dangerous weapon in the *sterile area* of a commercial airport. (Generally speaking, an airport's sterile area is the space beyond the security screening checkpoint.)

This provision was enacted in 2001 and says that *sterile area* means that term as defined in 14 CFR 107.1.

However, 14 CFR 107.1 (and several other regulations) ceased to exist in 2002 when aviation security oversight was transferred from the Federal Aviation Administration (FAA) to the Transportation Security Administration (TSA).¹

Then, in 2016, the FAA issued a new set of rules addressing drones that re-used several part and section numbers of the earlier rules. As a result, there is once again a rule designated 14 CFR 107.1, but it is about the rules for drones and does not have a definition for "sterile area."

Under the bill, *sterile area* would mean a portion of an airport defined in an airport security program approved by TSA under 49 CFR 1542.101 that provides passengers access to boarding aircraft and to which the access generally is controlled by TSA, or by an aircraft operator under 49 CFR part 1544 or a foreign air carrier under 49 CFR part 1546, through the screening of individuals and property.²

In addition, the code provides an exception from the above prohibition for certain specified individuals, including members of the United States Army, Air Force, Navy, Marine Corps, or Coast Guard who possess or carry a firearm or other item described above in the line of duty. The bill would add members of the Space Force to this exception.

MCL 259.80f

¹ <https://www.govinfo.gov/content/pkg/FR-2002-02-22/pdf/02-4081.pdf>

² Note that this proposed definition is substantively the same as the definition of "sterile area" in 49 CFR 1540.5, which is among the rules issued by TSA in 2002 to replace the prior FAA rules. See <https://www.ecfr.gov/current/title-49/subtitle-B/chapter-XII/subchapter-C/part-1540/subpart-A/section-1540.5>

FISCAL IMPACT:

The bill has no apparent fiscal impact on the state of Michigan or on local units of government.

POSITIONS:

A representative of the Emmett County Prosecuting Attorney's Office testified in support of the bill. (9-13-22)

The following entities indicated support for the bill (9-13-22):

- Detroit Regional Chamber
- Gerald R. Ford International Airport
- Michigan Association of Airport Executives
- Prosecuting Attorneys Association of Michigan

The Department of Transportation indicated a neutral position on the bill. (9-21-22)

Legislative Analyst: E. Best
Fiscal Analyst: William E. Hamilton

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.