

SENATE BILL NO. 538

May 27, 1997, Introduced by Senators GEAKE, STALLINGS, SHUGARS, HART, MC MANUS, BOUCHARD, GOUGEON, ROGERS, PETERS and DINGELL and referred to the Committee on Judiciary.

A bill to amend 1915 PA 31, entitled
"Youth tobacco act,"
by amending section 2 (MCL 722.642), as amended by 1988 PA 314.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) A person under 18 years of age shall not pos-
2 sess or smoke cigarettes or cigars; or possess or chew, suck, or
3 inhale chewing tobacco or tobacco snuff; or possess or use
4 tobacco in any other form, on a public highway, street, alley,
5 park, or other lands used for public purposes, or in a public
6 place of business or amusement. A person who violates this sec-
7 tion is guilty of a misdemeanor, punishable by a fine of not more
8 than \$50.00 for each offense. Pursuant to a probation order, the
9 court may require a person who violates this section to
10 participate in a health promotion and risk reduction assessment
11 program, if available. A probationer who is ordered to

1 participate in a health promotion and risk reduction assessment
2 program under this section is responsible for the costs of par-
3 ticipating in the program. In addition, a person who violates
4 this section is subject to the following:

5 (a) For the first violation, the court may order the person
6 to do 1 of the following:

7 (i) Perform not more than 16 hours of community service in a
8 hospice, nursing home, or long-term care facility.

9 (ii) Participate in a health promotion and risk reduction
10 program, as described in this subsection.

11 (b) For a second violation, in addition to participation in
12 a health promotion and risk reduction program, the court may
13 order the person to perform not more than 32 hours of community
14 service in a hospice, nursing home, or long-term care facility.

15 (c) For a third or subsequent violation, in addition to par-
16 ticipation in a health promotion and risk reduction program, the
17 court may order the person to perform not more than 48 hours of
18 community service in a hospice, nursing home, or long-term care
19 facility.

20 (2) THE DISTRICT COURT HAS CONCURRENT JURISDICTION OVER A
21 VIOLATION OF SUBSECTION (1). THE DISTRICT COURT SHALL HANDLE THE
22 CASE IN THE SAME MANNER AS THE FAMILY DIVISION OF THE CIRCUIT
23 COURT UNDER CHAPTER XIIA OF 1939 PA 288, MCL 712A.1 TO 712A.32.

24 Enacting section 1. This amendatory act does not take
25 effect unless all of the following bills of the 89th Legislature
26 are enacted into law:

1 (a) Senate Bill No. 537.

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3 (b) Senate Bill No. 539.

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