



House Office Building, 9 South
Lansing, Michigan 48909
Phone: 517/373-6466

INCREASE PENALTIES FOR SELLING TOBACCO TO MINORS

House Bill 4676

Sponsor: Rep. Ruth Johnson

Committee: Civil Law and the Judiciary

Complete to 5-3-01

A SUMMARY OF HOUSE BILL 4676 AS INTRODUCED 4-26-01

Currently, the Youth Tobacco Act prohibits the selling, giving, or furnishing of “any cigarette, cigar, chewing tobacco, tobacco snuff, or tobacco in any other form” to someone younger than 18 years old. A violation is a misdemeanor, punishable by a fine of up to \$50 for each offense. In addition, the act prohibits someone less than 18 years old from possessing or smoking cigarettes or cigars; possessing or chewing, sucking, or inhaling chewing tobacco or tobacco snuff; or possessing or using tobacco in any other form, on a public highway, street, alley, park, or other land used for public purposes, or in a public place of business or amusement. Minors violating this prohibition also are guilty of misdemeanors punishable by \$50 fines.

The bill would amend the act to increase to \$100 the criminal fine for selling, giving, or furnishing “a tobacco product” to a minor. The bill also would strike current definitions in the act of “chewing tobacco” and “tobacco snuff,” add new definitions (of “public place,” “tobacco product,” and “use a tobacco product”), and re-write the provision prohibiting minors from possessing or using tobacco, cigarettes, cigars, chewing tobacco, or tobacco snuff in various places.

Definitions. The bill would define “tobacco product” to mean a product that contained tobacco and that was intended for human consumption (including, but not limited to, cigarettes, noncigarette smoking tobacco, or smokeless tobacco, as these are defined in the Tobacco Products Tax Act). “Use a tobacco product” would mean to smoke or otherwise consume a tobacco product, and “public place” would mean “a public street, sidewalk, park, or any area open to the general public in a publicly owned or operated building or public place of business.”

Prohibited use by minors. The bill would strike the existing language describing the prohibited uses of tobacco by minors and instead say that a person under 18 years of age would be prohibited from purchasing, receiving, or using – or attempting to purchase, receive, or use – a tobacco product in a public place. A violation would remain a misdemeanor punishable by a fine of up to \$50.

MCL 722.641, 722.642, and 722.644

Analyst: S. Ekstrom

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