

HOUSE BILL No. 5455

April 17, 2014, Introduced by Reps. Santana, Durhal, LaVoy, Singh, Zemke, Kosowski and Olumba and referred to the Committee on Regulatory Reform.

A bill to amend 1915 PA 31, entitled
"Youth tobacco act,"
by amending section 2a (MCL 722.642a), as added by 1992 PA 272.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2a. (1) ~~Except as otherwise provided in subsection (2), a~~
2 A person who sells tobacco products at retail shall not sell a
3 cigarette separately from ~~its~~ **AN INDIVIDUAL** package **OF CIGARETTES**
4 **THAT HAS AFFIXED TO IT A STAMP AS PROVIDED UNDER THE TOBACCO**
5 **PRODUCTS TAX ACT, 1993 PA 327, MCL 205.421 TO 205.436.**

6 (2) ~~Subsection (1) does not apply to a person who sells~~
7 ~~tobacco products at retail in a tobacco specialty retail store or~~
8 ~~other retail store that deals exclusively in the sale of tobacco~~
9 ~~products and smoking paraphernalia.~~ **AN INDIVIDUAL SHALL NOT PURCHASE**
10 **A CIGARETTE SEPARATELY FROM AN INDIVIDUAL PACKAGE OF CIGARETTES**

1 THAT HAS AFFIXED TO IT A STAMP AS PROVIDED UNDER THE TOBACCO
2 PRODUCTS TAX ACT, 1993 PA 327, MCL 205.421 TO 205.436, FROM A
3 PERSON WHO SELLS TOBACCO PRODUCTS AT RETAIL.

4 (3) A person who violates subsection (1) ~~is guilty of a~~
5 ~~misdemeanor, punishable by a fine of not more than \$500.00 for each~~
6 ~~offense.~~ SHALL BE ORDERED TO PAY A CIVIL FINE AS FOLLOWS:

7 (A) FOR A FIRST VIOLATION WITHIN A 3-YEAR PERIOD, A CIVIL FINE
8 OF NOT MORE THAN \$1,000.00.

9 (B) FOR A SECOND VIOLATION WITHIN A 3-YEAR PERIOD, A CIVIL
10 FINE OF NOT MORE THAN \$5,000.00.

11 (C) FOR A THIRD AND EACH SUBSEQUENT VIOLATION WITHIN A 3-YEAR
12 PERIOD, A CIVIL FINE OF NOT MORE THAN \$10,000.00.

13 (4) A VIOLATION OF SUBSECTION (1) MAY BE PROSECUTED BY THE
14 PROSECUTOR OF THE COUNTY IN WHICH THE VIOLATION OCCURRED OR BY THE
15 ATTORNEY GENERAL.

16 (5) AN INDIVIDUAL WHO VIOLATES SUBSECTION (2) IS GUILTY OF A
17 MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN \$500.00.

18 (6) FOR EACH VIOLATION OF SUBSECTION (1), THE CIVIL FINE SHALL
19 BE DISTRIBUTED, AT LEAST QUARTERLY, AS FOLLOWS:

20 (A) 60% TO THE LOCAL POLICE AGENCY THAT ISSUED THE CITATION
21 FOR THE VIOLATION.

22 (B) 20% TO THE DEPARTMENT OF TREASURY TOBACCO TAX UNIT.

23 (C) 20% TO THE COURT THAT COLLECTED THE CIVIL FINE.