



Senate Fiscal Agency  
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BILL



ANALYSIS

Telephone: (517) 373-5383  
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Senate Bill 340 (as reported without amendment)  
Sponsor: Senator Steven Bieda  
Committee: Judiciary

Date Completed: 8-25-15

### **RATIONALE**

According to a 2012 U.S. Surgeon General report, after several years of reduced use of tobacco by youths and young adults, the decline in rates had slowed for cigarette smoking and stalled for smokeless tobacco use ("Preventing Tobacco Use Among Youth and Young Adults", 2012). The report characterizes tobacco use as a "pediatric epidemic". Almost all tobacco use begins in childhood and adolescence, according to the report, and about 80% of young smokers will smoke into adulthood. Some people believe that one way to contribute to efforts to reduce tobacco use by youths would be to increase the fines for furnishing tobacco to a minor and for a minor's purchase, possession, or use of tobacco.

### **CONTENT**

**The bill would amend the Youth Tobacco Act to increase the penalties for selling, giving, or furnishing a tobacco product to a minor and for a minor's purchase, possession, or use of a tobacco product.**

The Act prohibits a person from selling, giving, or furnishing a tobacco product to a minor (a person under 18 years of age). The Act also prohibits a minor from doing any of the following:

- Purchasing or attempting to purchase a tobacco product.
- Possessing or attempting to possess a tobacco product.
- Using a tobacco product in a public place.
- Presenting or offering to a person a purported proof of age that is false, fraudulent, or not actually his or her own proof of age, for the purpose of buying, possessing, or attempting to buy or possess a tobacco product.

The violations described above are misdemeanors punishable by a fine of not more than \$50 for each violation. Under the bill, the misdemeanors would be punishable by a maximum fine of \$100 for a first violation and up to \$500 for a second or subsequent violation.

The Act defines "tobacco product" as a product that contains tobacco and is intended for human consumption, including cigarettes, noncigarette smoking tobacco, smokeless tobacco, and cigars.

The bill would take effect 90 days after its enactment.

MCL 722.641 & 722.642

### **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

#### **Supporting Argument**

According to the 2012 U.S. Surgeon General's report, "Cigarette smoking by youth and young adults has immediate adverse health consequences, including addiction, and accelerates the

development of chronic diseases across the full life course." The report states that 88% of adults who smoke daily began smoking by the age of 18, and that among youths who persist in smoking, half will die about 13 years earlier than their nonsmoking peers. According to a 2011 survey on youth risk behavior, almost 60,000 Michigan high school students said they had smoked in the past month, while almost 16,000 smoked daily, despite the fact that Michigan law prohibits tobacco possession and use by minors and also proscribes providing tobacco products to minors.

The Surgeon General's report states, "Coordinated, multicomponent interventions...are effective in reducing the initiation, prevalence, and intensity of smoking among youth and young adults." Part of such a coordinated effort could include stronger, and more appropriate, penalties for people who provide tobacco to minors and for minors who use tobacco products. The current maximum fine of \$50 has not been changed since at least 1988 and evidently is inadequate to deter youth smoking and to keep tobacco out of children's hands. Raising the fine for a first violation by roughly the rate of inflation over the last 25 years, to \$100, and instituting a higher fine of \$500 for each subsequent violation, would punish offenders more appropriately and could discourage retailers and others from furnishing tobacco to minors. The best way to protect minors from being harmed by tobacco is to keep tobacco products out of their hands.

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

The bill would have no fiscal impact on the State. From the proposed increase in fine amounts, there could be an increase in revenue, which would be dedicated to public libraries.

Fiscal Analyst: John Maxwell