

**SUBSTITUTE FOR
HOUSE BILL NO. 6004**

A bill to amend 1915 PA 31, entitled
"Youth tobacco act,"
by amending section 2 (MCL 722.642), as amended by 2019 PA 18, and
by adding section 1m.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 1m. (1) A person is temporarily exempt from the licensure**
2 **provisions of this act if the person files an affidavit with the**
3 **department that affirms all of the following:**

4 **(a) Before the effective date of the amendatory act that added**
5 **this section, the person lawfully sold a nicotine or tobacco**
6 **product at retail.**

7 **(b) An application under section 1e has been submitted for the**
8 **person and the application is pending department approval.**

1 (c) The person has not been granted a license.

2 (2) A person's temporary exemption under subsection (1)
3 expires when the person's application under section 1e is no longer
4 pending department approval.

5 Sec. 2. (1) Subject to ~~subsection~~ **subsections** (6) and (7), a
6 minor shall not do any of the following:

7 (a) Purchase or attempt to purchase a tobacco product.

8 (b) Possess or attempt to possess a tobacco product.

9 (c) Use a tobacco product in a public place.

10 (d) Present or offer to an individual a purported proof of age
11 that is false, fraudulent, or not actually ~~his or her~~ **the minor's**
12 own proof of age for the purpose of purchasing, attempting to
13 purchase, possessing, or attempting to possess a tobacco product.

14 (2) An individual who violates subsection (1) is guilty of a
15 misdemeanor punishable by a fine of not more than \$50.00 for each
16 violation. Pursuant to a probation order, the court may also
17 require ~~an~~ **the** individual ~~who violates subsection (1)~~ to
18 participate in a health promotion and risk reduction assessment
19 program, if available. In addition, ~~an~~ **the** individual ~~who violates~~
20 ~~subsection (1)~~ is subject to the following:

21 (a) For ~~the~~ **a** first violation, the court may order the
22 individual to do 1 of the following:

23 (i) Perform not more than 16 hours of community service.

24 (ii) Participate in a health promotion and risk reduction
25 assessment program.

26 (b) For a second violation, in addition to participation in a
27 health promotion and risk reduction assessment program, the court
28 may order the individual to perform not more than 32 hours of
29 community service.

1 (c) For a third or subsequent violation, in addition to
2 participation in a health promotion and risk reduction assessment
3 program, the court may order the individual to perform not more
4 than 48 hours of community service.

5 (3) Subject to ~~subsection~~**subsections** (6) **and (7)**, a minor
6 shall not do any of the following:

7 (a) Purchase or attempt to purchase a vapor product or
8 alternative nicotine product.

9 (b) Possess or attempt to possess a vapor product or
10 alternative nicotine product.

11 (c) Use a vapor product or alternative nicotine product in a
12 public place.

13 (d) Present or offer to an individual a purported proof of age
14 that is false, fraudulent, or not actually ~~his or her~~**the minor's**
15 own proof of age for the purpose of purchasing, attempting to
16 purchase, possessing, or attempting to possess a vapor product or
17 alternative nicotine product.

18 (4) An individual who violates subsection (3) is responsible
19 for a state civil infraction or guilty of a misdemeanor as follows:

20 (a) For ~~the~~**a** first violation, the individual is responsible
21 for a state civil infraction and ~~shall~~**must** be fined not more than
22 \$50.00. The court may order the individual to participate in a
23 health promotion and risk reduction assessment program, if
24 available. In addition, the court may order the individual to
25 perform not more than 16 hours of community service.

26 (b) For ~~the~~**a** second violation, the individual is responsible
27 for a state civil infraction and ~~shall~~**must** be fined not more than
28 \$50.00. The court may order the individual to participate in a
29 health promotion and risk reduction assessment program, if

1 available. In addition, the court may order the individual to
2 perform not more than 32 hours of community service.

3 (c) If a violation of subsection (3) occurs after 2 or more
4 prior judgments, the individual is guilty of a misdemeanor
5 punishable by a fine of not more than \$50.00 for each violation.
6 Pursuant to a probation order, the court may also require the
7 individual to participate in a health promotion and risk reduction
8 assessment program, if available. In addition, the court may order
9 the individual to perform not more than 48 hours of community
10 service.

11 (5) An individual who is ordered to participate in a health
12 promotion and risk reduction assessment program under subsection
13 (2) or (4) is responsible for the costs of participating in the
14 program.

15 (6) Subsections (1) and (3) do not apply to a minor
16 participating in any of the following:

17 (a) An undercover operation in which the minor purchases or
18 receives a tobacco product, vapor product, or alternative nicotine
19 product under the direction of the minor's employer and with the
20 prior approval of the local prosecutor's office as part of an
21 employer-sponsored internal enforcement action.

22 (b) An undercover operation in which the minor purchases or
23 receives a tobacco product, vapor product, or alternative nicotine
24 product under the direction of the state police or a local police
25 agency as part of an enforcement action, unless the initial or
26 contemporaneous purchase or receipt of the tobacco product, vapor
27 product, or alternative nicotine product by the minor was not under
28 the direction of the state police or the local police agency and
29 was not part of the undercover operation.

1 (c) Compliance checks in which the minor attempts to purchase
2 tobacco products for the purpose of satisfying federal substance
3 abuse block grant youth tobacco access requirements, if the
4 compliance checks are conducted under the direction of a substance
5 use disorder coordinating agency and with the prior approval of the
6 state police or a local police agency.

7 (7) Subsections (1) and (3) do not apply to the handling or
8 transportation of a tobacco product, vapor product, or alternative
9 nicotine product by a minor under the terms of the minor's
10 employment.

11 (8) This section does not prohibit an individual from being
12 charged with, convicted of, or sentenced for any other violation of
13 law that arises out of ~~the~~**a** violation of subsection (1) or (3).

14 **(9) Subsections (1) to (8) do not apply after the effective**
15 **date of the amendatory act that added this subsection.**

16 Enacting section 1. This amendatory act does not take effect
17 unless all of the following bills of the 102nd Legislature are
18 enacted into law:

19 (a) Senate Bill No. 651.

20 (b) Senate Bill No. 654.

21 (c) House Bill No. 6002.