

**SUBSTITUTE FOR
SENATE BILL NO. 654**

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) Subject to ~~subsection~~**subsections** (6) **and (7)**, a
2 minor shall not do any of the following:
3 (a) Purchase or attempt to purchase a tobacco product.
4 (b) Possess or attempt to possess a tobacco product.
5 (c) Use a tobacco product in a public place.
6 (d) Present or offer to an individual a purported proof of age
7 that is false, fraudulent, or not actually ~~his or her~~**the minor's**
8 own proof of age for the purpose of purchasing, attempting to
9 purchase, possessing, or attempting to possess a tobacco product.

1 (2) An individual who violates subsection (1) is guilty of a
2 misdemeanor punishable by a fine of not more than \$50.00 for each
3 violation. Pursuant to a probation order, the court may also
4 require ~~an-the~~ individual ~~who violates subsection (1)~~ to
5 participate in a health promotion and risk reduction assessment
6 program, if available. In addition, ~~an-the~~ individual ~~who violates~~
7 ~~subsection (1)~~ is subject to the following:

8 (a) For ~~the-a~~ first violation, the court may order the
9 individual to do 1 of the following:

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

11 (ii) Participate in a health promotion and risk reduction
12 assessment program.

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

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

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

23 (a) Purchase or attempt to purchase a vapor product or
24 alternative nicotine product.

25 (b) Possess or attempt to possess a vapor product or
26 alternative nicotine product.

27 (c) Use a vapor product or alternative nicotine product in a
28 public place.

29 (d) Present or offer to an individual a purported proof of age

1 that is false, fraudulent, or not actually ~~his or her~~ **the minor's**
2 own proof of age for the purpose of purchasing, attempting to
3 purchase, possessing, or attempting to possess a vapor product or
4 alternative nicotine product.

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

7 (a) For ~~the a~~ first violation, the individual is responsible
8 for a state civil infraction and ~~shall~~ **must** be fined not more than
9 \$50.00. The court may order the individual to participate in a
10 health promotion and risk reduction assessment program, if
11 available. In addition, the court may order the individual to
12 perform not more than 16 hours of community service.

13 (b) For ~~the a~~ second violation, the individual is responsible
14 for a state civil infraction and ~~shall~~ **must** be fined not more than
15 \$50.00. The court may order the individual to participate in a
16 health promotion and risk reduction assessment program, if
17 available. In addition, the court may order the individual to
18 perform not more than 32 hours of community service.

19 (c) If a violation of subsection (3) occurs after 2 or more
20 prior judgments, the individual is guilty of a misdemeanor
21 punishable by a fine of not more than \$50.00 for each violation.
22 Pursuant to a probation order, the court may also require the
23 individual to participate in a health promotion and risk reduction
24 assessment program, if available. In addition, the court may order
25 the individual to perform not more than 48 hours of community
26 service.

27 (5) An individual who is ordered to participate in a health
28 promotion and risk reduction assessment program under subsection
29 (2) or (4) is responsible for the costs of participating in the

1 program.

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

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

9 (b) An undercover operation in which the minor purchases or
10 receives a tobacco product, vapor product, or alternative nicotine
11 product under the direction of the state police or a local police
12 agency as part of an enforcement action, unless the initial or
13 contemporaneous purchase or receipt of the tobacco product, vapor
14 product, or alternative nicotine product by the minor was not under
15 the direction of the state police or the local police agency and
16 was not part of the undercover operation.

17 (c) Compliance checks in which the minor attempts to purchase
18 tobacco products for the purpose of satisfying federal substance
19 abuse block grant youth tobacco access requirements, if the
20 compliance checks are conducted under the direction of a substance
21 use disorder coordinating agency and with the prior approval of the
22 state police or a local police agency.

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

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

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

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

6 (a) Senate Bill No. 651.

7 (b) House Bill No. 6002.

8 (c) House Bill No. 6004.