



Senate Fiscal Agency
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BILL ANALYSIS

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House Bill 5396 (Substitute H-1 as reported without amendment)
Sponsor: Representative David Law
House Committee: Judiciary
Senate Committee: Judiciary

CONTENT

The bill would amend the Youth Tobacco Act to do all of the following:

- Prohibit a minor (a person under 18 years of age) from purchasing a tobacco product, or using false identification in purchasing or possessing tobacco.
- Make an exception to the prohibition against a minor's purchase, possession, or use of tobacco for a minor participating in an undercover enforcement operation.
- Specify that the prohibitions against a minor's purchase, possession, or use of tobacco and against selling, giving, or furnishing tobacco to a minor would not apply to a minor's handling or transportation of tobacco in the course of his or her employment.

The Act prohibits a person under 18 from possessing various types of tobacco or using them on a public highway, street, alley, park, or other land used for public purposes, or in a public place of business or amusement. The bill instead would prohibit a minor from purchasing or possessing a tobacco product, or attempting to do so; using a tobacco product in a public place; or presenting or offering to an individual a purported proof of age that was false, fraudulent, or not actually his or her own proof of age, for the purpose or purchasing, possessing, or attempting to purchase or possess a tobacco product.

These prohibitions would not apply to a minor participating in an undercover operation in which the minor purchased or received a tobacco product under the direction of his or her employer or the State Police or a local police agency as part of an enforcement action.

The Act also prohibits a person from selling, giving, or furnishing tobacco to a minor. Under the bill, this prohibition, and the prohibition against a minor's purchase, possession, or use of a tobacco product, would not apply to the handling or transportation of a tobacco product by a minor under the terms of his or her employment.

The bill would take effect on September 1, 2006.

MCL 722.641 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no impact on State government and an indeterminate fiscal impact on local government. There are no data to indicate how many offenders would be convicted of the proposed offense. To the extent that the bill increased the number of juveniles convicted, local governments would incur the costs of misdemeanor probation, which varies by county. Additional penal fine revenue would benefit public libraries.

Date Completed: 5-31-06

Fiscal Analyst: Lindsay Hollander