

SENATE BILL No. 667

November 7, 2013, Introduced by Senators ANDERSON, JONES, BIEDA, PAPPAGEORGE, HOPGOOD, YOUNG, GREGORY, SCHUITMAKER, HOOD, HANSEN, KAHN, NOFS, JANSEN, MARLEAU and HUNTER and referred to the Committee on Regulatory Reform.

A bill to amend 1915 PA 31, entitled
"Youth tobacco act,"
by amending section 2 (MCL 722.642), as amended by 2006 PA 236.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) Subject to subsection (3), a minor shall not do
2 any of the following:

3 (a) Purchase or attempt to purchase a tobacco product, **E-**
4 **CIGARETTE, OR E-CIGARETTE CARTRIDGE.**

5 (b) Possess or attempt to possess a tobacco product, **E-**
6 **CIGARETTE, OR E-CIGARETTE CARTRIDGE.**

7 (c) Use a tobacco product, **E-CIGARETTE, OR E-CIGARETTE**
8 **CARTRIDGE** in a public place.

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

1 that is false, fraudulent, or not actually his or her own proof of
2 age for the purpose of purchasing, attempting to purchase,
3 possessing, or attempting to possess a tobacco product, **E-**
4 **CIGARETTE, OR E-CIGARETTE CARTRIDGE.**

5 (2) An individual who violates subsection (1) is guilty of a
6 misdemeanor punishable by a fine of not more than \$50.00 for each
7 violation. Pursuant to a probation order, the court may also
8 require an individual who violates subsection (1) to participate in
9 a health promotion and risk reduction assessment program, if
10 available. An individual who is ordered to participate in a health
11 promotion and risk reduction assessment program under this
12 subsection is responsible for the costs of participating in the
13 program. In addition, an individual who violates subsection (1) is
14 subject to the following:

15 (a) For the first violation, the court may order the
16 individual to do 1 of the following:

17 (i) Perform not more than 16 hours of community service in a
18 hospice, nursing home, or long-term care facility.

19 (ii) Participate in a health promotion and risk reduction
20 program, as described in this subsection.

21 (b) For a second violation, in addition to participation in a
22 health promotion and risk reduction program, the court may order
23 the individual to perform not more than 32 hours of community
24 service in a hospice, nursing home, or long-term care facility.

25 (c) For a third or subsequent violation, in addition to
26 participation in a health promotion and risk reduction program, the
27 court may order the individual to perform not more than 48 hours of

1 community service in a hospice, nursing home, or long-term care
2 facility.

3 (3) Subsection (1) does not apply to a minor participating in
4 any of the following:

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

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

18 (c) Compliance checks in which the minor attempts to purchase
19 tobacco products for the purpose of satisfying federal substance
20 abuse block grant youth tobacco access requirements, if the
21 compliance checks are conducted under the direction of a substance
22 abuse coordinating agency ~~as defined in section 6103 of the public~~
23 ~~health code, 1978 PA 368, MCL 333.6103,~~ and with the prior approval
24 of the state police or a local police agency.

25 (4) Subsection (1) does not apply to the handling or
26 transportation of a tobacco product, **E-CIGARETTE, OR E-CIGARETTE**
27 **CARTRIDGE** by a minor under the terms of ~~that~~ **THE** minor's

1 employment.

2 (5) This section does not prohibit ~~the~~**AN** individual from
3 being charged with, convicted of, or sentenced for any other
4 violation of law ~~arising~~**THAT ARISES** out of the violation of
5 subsection (1).

6 Enacting section 1. This amendatory act does not take effect
7 unless Senate Bill No. 668

8 of the 97th Legislature is enacted into law.