

SENATE BILL No. 177

March 14, 1991, Introduced by Senators FAXON, GEAKE, ARTHURHULTZ, CARL, CONROY, POLLACK, STABENOW and HART and referred to the Committee on Health Policy.

A bill to amend Act No. 328 of the Public Acts of 1931, entitled

"The Michigan penal code,"

as amended, being sections 750.1 to 750.568 of the Michigan Compiled Laws, by adding section 472.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 328 of the Public Acts of 1931, as
2 amended, being sections 750.1 to 750.568 of the Michigan Compiled
3 Laws, is amended by adding section 472 to read as follows:

4 SEC. 472. (1) IN ORDER TO REDUCE LITTER AND TO PROTECT THE
5 PRIVACY OF INDIVIDUALS IN PUBLIC PLACES, AND BECAUSE THE STATE
6 PROHIBITS THE USE OF TOBACCO PRODUCTS BY MINORS AND THE FURNISH-
7 ING OF TOBACCO PRODUCTS TO MINORS, AND BECAUSE THE ENFORCEMENT OF
8 AN AGE-RELATED RESTRICTION ON THE DISTRIBUTION OF TOBACCO
9 PRODUCTS AT NO COST OR NOMINAL COST IS IMPRACTICAL AND

1 INEFFECTIVE, IT IS THE INTENT OF THE LEGISLATURE TO CONTROL THE
2 DISTRIBUTION OF TOBACCO PRODUCTS AND DISCOURAGE ILLEGAL ACTIVITY
3 BY PROHIBITING THE DISTRIBUTION OF TOBACCO PRODUCTS AT NO COST OR
4 NOMINAL COST AS PROVIDED IN THIS SECTION.

5 (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4), A PERSON
6 SHALL NOT DELIVER A TOBACCO PRODUCT TO ANOTHER PERSON AT NO COST
7 OR AT NOMINAL COST FOR PRODUCT PROMOTIONAL PURPOSES.

8 (3) A PERSON SHALL NOT, EITHER DIRECTLY OR INDIRECTLY,
9 RECRUIT, SOLICIT, INDUCE, OR OTHERWISE ENCOURAGE ANOTHER PERSON
10 TO VIOLATE OR ATTEMPT TO VIOLATE SUBSECTION (2).

11 (4) THIS SECTION DOES NOT APPLY TO A SITUATION IN WHICH A
12 PERSON PURCHASES A TOBACCO PRODUCT AT A RETAIL ESTABLISHMENT AND
13 DELIVERS THE TOBACCO PRODUCT AS A GIFT TO ANOTHER PERSON KNOWN TO
14 HIM OR HER.

15 (5) THIS SECTION DOES NOT PERMIT THE SALE OR DELIVERY OF
16 TOBACCO PRODUCTS IN VIOLATION OF ANY OTHER LAW OF THIS STATE.

17 (6) A PERSON WHO VIOLATES SUBSECTION (2) IS GUILTY OF A MIS-
18 DEMEANOR, PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 3 DAYS OR
19 A FINE OF NOT MORE THAN \$100.00, OR BOTH.

20 (7) A PERSON WHO VIOLATES SUBSECTION (3) IS GUILTY OF A
21 FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A
22 FINE OF NOT MORE THAN \$1,000.00, OR BOTH.

23 (8) AS USED IN THIS SECTION:

24 (A) "DELIVER" MEANS THE ACTUAL OR ATTEMPTED TRANSFER OF
25 TOBACCO PRODUCTS FROM 1 PERSON TO ANOTHER PERSON.

26 (B) "TOBACCO PRODUCT" MEANS TOBACCO PREPARED FOR USE IN
27 SMOKING, CHEWING, OR AS SNUFF.