



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 74 (Substitute S-1 as reported)
Sponsor: Senator Steven Bieda
Committee: Judiciary

Date Completed: 8-17-17

RATIONALE

Tobacco use is said to be the leading cause of preventable death and disability in the United States. A 2012 U.S. Surgeon General report found that after several years of reduced tobacco use by youths and young adults, the decline in rates had slowed for cigarette smoking ("Preventing Tobacco Use Among Youth and Young Adults"). The report stated that almost all tobacco use begins in childhood and adolescence and about 80% of young smokers will smoke into adulthood. According to the Michigan Department of Health and Human Services, approximately 5,800 Michigan children (those 18 or younger) become regular smokers every year. In 2015, 29.1% of Michigan high school students reported that they currently used a tobacco product, including e-cigarettes, according to the Centers for Disease Control and Prevention (CDC). Some people believe that one way to contribute to efforts to reduce tobacco use by youths would be to increase the fines for furnishing tobacco to a minor and for a minor's purchase, possession, or use of tobacco.

CONTENT

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

- Increase the fine for selling, giving, or furnishing a tobacco product to a minor and for a minor's purchase, possession, or use of a tobacco product.**
- Establish an enhanced fine for a second or subsequent violation occurring within 12 months after a previous violation, or, for a retailer, a second or subsequent offense occurring at the same location as the first violation.**

The Act prohibits a person from selling, giving, or furnishing a tobacco product to a minor (a person under 18 years of age). The Act also prohibits a minor from doing any of the following: purchasing or attempting to purchase a tobacco product; possessing or attempting to possess a tobacco product; using a tobacco product in a public place; or presenting or offering to a person a purported proof of age that is false, fraudulent, or not his or her own, for the purpose of buying or possessing, or attempting to buy or possess a tobacco product.

The violations described above are misdemeanors punishable by a fine of not more than \$50 for each violation. Under the bill, the misdemeanors would be punishable by a maximum fine of \$100 for a first violation and up to \$500 for a second or subsequent violation occurring within 12 months after a previous violation. A retailer who violated the prohibition against selling, giving, or furnishing a tobacco product to a minor, however, would be guilty of a misdemeanor punishable by a maximum fine of \$100 for a first offense and up to \$500 for a second or subsequent violation occurring at the same location as the first offense.

MCL 722.641 & 722.642

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

According to the 2012 U.S. Surgeon General's report, "Cigarette smoking by youth and young adults has immediate adverse health consequences, including addiction, and accelerates the development of chronic diseases across the full life course." The report stated that 88% of adults who smoke daily began smoking by the age of 18, and that among youths who persist in smoking, half will die about 13 years earlier than their nonsmoking peers. The report also stated, "Coordinated, multicomponent interventions...are effective in reducing the initiation, prevalence, and intensity of smoking among youth and young adults." Part of such a coordinated effort could include stronger, and more appropriate, penalties for people who provide tobacco to minors and for minors who use tobacco products.

The current maximum fine of \$50 is inadequate to deter youth smoking and to keep tobacco out of children's hands. The fine for a youth who purchases or possesses, or who attempts to purchase or possess, a tobacco product has been \$50 since 1988, and the fine for retailers who furnish tobacco to minors has not been changed since the Act was first enacted in 1915. Raising the fine for a first violation, to \$100, and instituting a higher fine of \$500 for each subsequent violation, would punish offenders more appropriately and could discourage retailers and others from furnishing tobacco to minors. The best way to protect minors from being harmed by tobacco is to keep tobacco products out of their hands.

Supporting Argument

Decreasing youth smoking could reduce long-term health care costs. According to the CDC, \$170 billion in direct medical costs could be saved each year if youths and young adults never started smoking and if every person who currently smokes were to quit.

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bill would have no fiscal impact on the State. From the proposed increase in fine amounts, there could be an increase in revenue, which would be dedicated to public libraries.

Fiscal Analyst: Ryan Bergan

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.