



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bills 730 (Substitute S-4 as reported by the Committee of the Whole)
Sponsor: Senator Dale L. Shugars
Committee: Health Policy and Senior Citizens

CONTENT

The bill would repeal and reenact the Youth Tobacco Act (MCL 722.641-722.645) as the "Youth Tobacco Prevention Act". Currently, it is a misdemeanor, punishable by a maximum fine of \$50, for a person to distribute tobacco products to a minor (under 18) or for a minor to use tobacco in public. Under the bill, distributing to a minor would be a State civil infraction subject to a \$150 fine. A minor who violated the bill would be responsible for a State civil infraction subject to a maximum fine of \$100. The bill also would do the following:

- Prohibit a tobacco retailer from being charged with a violation unless enforcement action were taken against the minor.
- Require tobacco retailers to notify their sales clerks of the provisions of the law, particularly that State law prohibits the distribution of a tobacco product to a minor, and that evidence that a defendant carefully checked and reasonably relied on proof of age that appeared on its face to be valid would be a permitted defense to a charge of distributing tobacco to a minor.
- Provide that someone under 18 could be engaged by the State or local police or the Department of Public Health (DPH) as part of an enforcement action under the Act.
- Require the DPH to report annually to the Legislature.

The bill would reinstate existing provisions that specify that it is a defense if the defendant has in force a written policy to prevent the distribution of tobacco products to minors; require tobacco retailers to post a sign stating that the provision of tobacco products to minors is illegal; require the DPH to distribute the signs; and prohibit retailers from selling a cigarette separately from its package.

Date Completed: 11-29-95

Legislative Analyst: S. Margules

FISCAL IMPACT

The bill would result in an indeterminate increase in fine revenues that are dedicated to public libraries. (The level of fine collections under the current Act is unknown.) The bill also would result in an approximately \$10,000 increase in costs incurred by the Department of Public Health associated with the new printing and mailing provisions of the bill.

Date Completed: 11-29-95

Fiscal Analyst: P. Graham

floor\sb730a

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.