

SENATE BILL NO. 1118

May 7, 1998, Introduced by Senators BENNETT, SHUGARS, GOUGEON, STILLE, GEAKE, BOUCHARD, NORTH, MC MANUS, EMMONS and DE GROW and referred to the Committee on Economic Development, International Trade and Regulatory Affairs.

A bill to amend 1915 PA 31, entitled
"Youth tobacco act,"
by amending section 1 (MCL 722.641), as amended by 1988 PA 314.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) A person shall not sell, give, or furnish any
2 cigarette, cigar, chewing tobacco, tobacco snuff, or tobacco in
3 any other form to a person under 18 years of age. A person who
4 violates this section is guilty of a misdemeanor, punishable by a
5 fine of not more than ~~\$50.00~~ \$500.00 for ~~each~~ A FIRST offense
6 OR NOT MORE THAN \$1,000.00 FOR A SECOND OR SUBSEQUENT OFFENSE.

7 (2) Beginning 90 days after the effective date of this sub-
8 section, a person who sells tobacco products at retail shall
9 post, in a place close to the point of sale and conspicuous to
10 both employees and customers, a sign produced by the department

1 of ~~public~~ COMMUNITY health that includes the following
2 statement:

3 "The purchase of tobacco products by a minor under 18 years
4 of age and the provision of tobacco products to a minor are pro-
5 hibited by law. A minor unlawfully purchasing or using tobacco
6 products is subject to criminal penalties."

7 (3) If the sign required under subsection (2) is more than 6
8 feet from the point of sale, it shall be 5-1/2 inches by 8-1/2
9 inches, and the statement required under subsection (2) shall be
10 printed in 36-point ~~boldface~~ BOLDFACED type. If the sign
11 required under subsection (2) is 6 feet or less from the point of
12 sale, it shall be 2 inches by 4 inches, and the statement
13 required under subsection (2) shall be printed in 20-point
14 ~~boldface~~ BOLDFACED type.

15 (4) The department of ~~public~~ COMMUNITY health shall
16 produce the sign required under subsection (2) and have adequate
17 copies of the sign ready for distribution to licensed wholesal-
18 ers, secondary wholesalers, and unclassified acquirers of ciga-
19 rettes and other tobacco products described in subsection (1)
20 free of charge within 60 days after the effective date of this
21 subsection. Licensed wholesalers, secondary wholesalers, and
22 unclassified acquirers of cigarettes and other tobacco products
23 described in subsection (1) shall obtain copies of the sign from
24 the department of ~~public~~ COMMUNITY health and distribute them
25 free of charge, upon request, to persons who are subject to
26 subsection (2). The department of ~~public~~ COMMUNITY health
27 shall provide copies of the sign free of charge, upon request, to

1 persons subject to subsection (2) who do not purchase their
2 supply of cigarettes or other tobacco products described in
3 subsection (1) from licensed wholesalers, secondary wholesalers,
4 and unclassified acquirers of cigarettes and other tobacco pro-
5 ducts described in subsection (1).

6 (5) It is an affirmative defense to a charge pursuant to
7 subsection (1) that the defendant had in force at the time of
8 arrest and continues to have in force a written policy to prevent
9 the sale of cigarettes, cigars, chewing tobacco, tobacco snuff,
10 and other tobacco products to persons under 18 years of age, and
11 that the defendant enforced and continues to enforce the policy.
12 A defendant who proposes to offer evidence of the affirmative
13 defense described in this subsection shall file and serve notice
14 of the defense, in writing, upon the court and the prosecuting
15 attorney. The notice shall be served not less than 14 days
16 before the date set for trial.

17 (6) A prosecuting attorney who proposes to offer testimony
18 to rebut the affirmative defense described in subsection (5)
19 shall file and serve a notice of rebuttal, in writing, upon the
20 court and the defendant. The notice shall be served not less
21 than 7 days before the date set for trial, and shall contain the
22 name and address of each rebuttal witness.