

# HOUSE BILL No. 5667

March 18, 2004, Introduced by Rep. Julian and referred to the Committee on Regulatory Reform.

A bill to amend 1993 PA 327, entitled  
"Tobacco products tax act,"  
by amending section 11 (MCL 205.431).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 11. (1) ~~Beginning May 1, 1994, a~~ A person, either as  
2 principal or agent, shall not sell or solicit ~~orders for~~ a sale  
3 of a tobacco product to be shipped, mailed, or otherwise sent or  
4 brought into the state, **including an internet sale,** to a person  
5 not a licensed manufacturer, licensed wholesaler, licensed  
6 secondary wholesaler, licensed vending machine operator, licensed  
7 unclassified acquirer, licensed transporter, or licensed  
8 transportation company, unless the tobacco product is to be sold  
9 to or through a licensed wholesaler. ~~Each violation of this act~~  
10 ~~is a separate offense.~~

11       (2) A person shall not purchase or order a tobacco product in

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1 an internet sale except from a licensed manufacturer, licensed  
2 wholesaler, licensed secondary wholesaler, licensed vending  
3 machine operator, or licensed unclassified acquirer.

4 (3) Each violation of this section is a separate offense.

5 (4) A person who violates this section in connection with an  
6 internet sale is guilty of a misdemeanor, punishable by a fine of  
7 not more than \$1,000.00 or imprisonment for not more than 1 year,  
8 or both.

9 (5) As used in this section, "internet sale" means a sale of,  
10 a solicitation to sell, a purchase of, or an offer to purchase a  
11 tobacco product conducted all or in part by accessing an internet  
12 website.