

## PROHIBIT PURCHASE OF TOBACCO BY MINORS

Mitchell Bean, Director  
Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

House Bill 5396

Sponsor: Rep. David Law

Committee: Judiciary

Complete to 5-1-06

### A SUMMARY OF HOUSE BILL 5396 AS INTRODUCED 11-2-05

House Bill 5396 would amend the Youth Tobacco Act to prohibit the purchase, possession, or use of tobacco products by minors (defined in the bill as individuals under 18 years of age).

More specifically, the bill would prohibit 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***; and,
- ***Presenting false proof of age*** for the purpose of purchasing, attempting to purchase, possessing, or attempting to possess a tobacco product.

Currently under the law, a minor cannot possess or use tobacco products in public places.

Also under current law, a person cannot sell, give, or furnish a tobacco product to a minor. A person who violates this prohibition is guilty of a misdemeanor, and is punished by a fine of up to \$50 for each violation. The bill would retain this provision. However, the bill specifies that this prohibition would not apply to the handling or transportation of a tobacco product by a minor under the terms of that minor's employment.

The bill would define "*public place*" to mean a public street, sidewalk, or park or any area open to the general public in a publicly owned or operated building or public place of business. "*Tobacco product*" would be defined to mean a product that contains tobacco and is intended for human consumption, including but not limited to, cigarettes, non-cigarette smoking tobacco, or smokeless tobacco, as those terms are defined in Section 2 of the Tobacco Products Tax Act (MCL 205.422), and cigars. The bill also would define "*use of tobacco product*" to mean to smoke, chew, suck, inhale, or otherwise consume a tobacco product.

MCL 722.641 et al

**FISCAL IMPACT:**

A fiscal analysis is in process.

Legislative Analyst: J. Hunault  
Fiscal Analyst: Marilyn Peterson  
Susan Frey

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.