

Legislative Analysis



USE OF A TOBACCO PRODUCT BY A MINOR

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<http://www.house.mi.gov/hfa>

House Bill 4427 as introduced
Sponsor: Rep. Ryan Berman
Committee: Regulatory Reform
Complete to 4-19-21

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4427 would amend the Youth Tobacco Act to revise the penalties relating to use of a tobacco product by a minor to include community service to be served in a hospice, nursing home, or long-term care facility and the possibility of jail or increased criminal fines for a second or subsequent offense. The bill would lower the penalty for a first offense from a misdemeanor to a state civil infraction and increase the fine to \$100 for the violation.

Currently, it is a criminal offense for a minor (under 18 years of age) to purchase, possess, or attempt to purchase or possess a tobacco product; use a tobacco product in a public place; or present or offer a fake ID for the purpose of purchasing, possessing, or attempting to purchase or possess a tobacco product. A violation is a misdemeanor punishable by a fine of up to \$50 for each violation. In addition, the court may impose one or more sanctions, such as community service, of which the maximum number of hours imposed increases for subsequent violations. The bill would revise the penalties as follows:

First violation: The individual would be responsible for a state civil infraction and fined not more than \$100. In addition, the court could require the individual to participate in a health promotion and risk reduction assessment program, if available, and could order him or her to perform up to 16 hours of community service in a hospice, nursing home, or long-term care facility. An individual could be found responsible or admit responsibility only once under this provision.

Second violation: The individual would be guilty of a misdemeanor punishable by imprisonment for up to 30 days or a fine of up to \$200, or both. Pursuant to a probation order, the court could require the individual to participate in a health promotion and risk reduction assessment program, if available, and could order him or her to perform up to 32 hours of community service in a hospice, nursing home, or long-term care facility.

Third or subsequent violation: The individual would be guilty of a misdemeanor punishable by imprisonment for up to 60 days or a fine of up to \$500, or both. Pursuant to a probation order, the court could require the individual to participate in a health promotion and risk reduction assessment program, if available, and could order him or her to perform up to 48 hours of community service in a hospice, nursing home, or long-term care facility.

The bill would not affect the penalties relating to use of a vapor product or alternative nicotine product by a minor.

The bill would take effect 90 days after enactment.

MCL 722.642

FISCAL IMPACT:

A fiscal analysis is in progress.

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