



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



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

Senate Bills 653 and 654 (as introduced 11-9-23)
Sponsor: Senator Mary Cavanagh (S.B. 653)
Senator Paul Wojno (S.B. 654)
Committee: Regulatory Affairs

Date Completed: 10-30-24

CONTENT

Senate Bill 654 would amend the Youth Tobacco Act to do the following:

- **Sunset provisions penalizing a minor under the age of 21 for possessing, purchasing, or attempting to possess or purchase a tobacco, vapor, or alternative nicotine product.**
- **Modify signage requirements of sellers of tobacco, vapor, and alternative nicotine products.**
- **Rename the Act as the "Nicotine and Tobacco Act".**

Senate Bill 653 would amend the Age of Majority Act to specify that the Act would not apply to the Michigan Regulation and Taxation of Marijuana Act (MRTMA).

Senate Bill 654

Sunset on Prohibition and Penalization of Youth Possession

The Youth Tobacco Act prohibits a minor under the age of 21 from purchasing, attempting to purchase, possessing, attempting to possess, or using in a public place a tobacco, vapor, or alternative nicotine product. It also prohibits a minor from presenting a proof of age that is false for the purpose of any of these activities. An individual in violation of these provisions is guilty of a misdemeanor or State civil infraction and a maximum of a \$50 fine.

In addition to a fine for each violation, a court may order the individual participate in a health promotion and risk reduction program at the individual's own cost; and an individual could also be responsible through court order, for the following:

- For a first offense, up to 16 hours of community service.
- For a second offense, the up to 32 hours of community service.
- For a third and subsequent offense, up to 48 hours of community service.

Generally, the prohibitions do not apply to a minor participating in an undercover law enforcement operation or a compliance check or handling products in the course of employment.

Under the bill, the provisions described above would not apply after the bill's effective date.

Modified Signage Requirements

Further, the Act prohibits selling or providing tobacco, vapor products, and alternative nicotine products to minors under the age of 21 and prescribes fines for doing so. The Act requires a

person who sells tobacco products, vapor products, or alternative nicotine products at retail to post a sign produced by the Department of Health and Human Services with the following statement:

"The purchase of a tobacco product, vapor product, or alternative nicotine product by a minor under 21 years of age and the provision of a tobacco product, vapor product, or alternative nicotine product to a minor are prohibited by law. A minor who unlawfully purchases or uses a tobacco product, vapor product, or alternative nicotine product is subject to criminal penalties."

The bill would modify the required statement to instead read as follows:

"The selling, giving, or furnishing of a tobacco product, vapor product, or alternative nicotine product to an individual who is less than 21 years of age is prohibited by law."

The Act requires the sign to be posted in a place close to the point of sale and conspicuous to employees and customers. If the sign is more than six feet from the point of sale, it must be 5-1/2 inches by 8-1/2 inches, and the statement must be printed in 36-point, boldface type. If the sign is six feet or less from the point of sale, it must be two inches by four inches and the statement must be printed in 20-point boldfaced type. Instead, under the bill, the sign would have to be in a place not more than six feet from each tobacco product, vapor product, or alternative nicotine product point of sale and conspicuous to employees and customers. It would have to be 14 inches by 11 inches and be in 36-point, boldfaced, uppercase type with high-contrast red ink.

Senate Bill 653

The bill would modify the Age of Majority Act to specify that the Act would not apply to the MRTMA. Generally, the Age Majority Act provides that, except as provided in the State Constitution and notwithstanding any other provision of law, a person who is at least 18 years of age is an adult of legal age for all purposes whatsoever, and must have the same duties, liabilities, responsibilities, rights, and legal capacity as individuals who are 21 years of age.

MCL 722.52 et al. (S.B. 654); 722.641 et al. (S.B. 653) Legislative Analyst: Nathan Leaman

FISCAL IMPACT

Senate Bill 653

The bill would have a minor negative fiscal impact on the Department of Health and Human Services and no fiscal impact on local units of government. The Department would incur minor administrative and production costs related to the creation and provision, free of charge, of the signage required under the bill to establishments that sell vapor products or alternative nicotine products at retail. The bill could have a positive fiscal impact on local units of government. The bill would impose misdemeanor fines ranging from \$100 up to \$2,500. Revenue collected from misdemeanor fines is used to support local and county law libraries. The amount of revenue for local libraries is indeterminate and dependent on the actual number of violations.

Senate Bill 654

The bill would have no fiscal impact on State or local courts.

Fiscal Analyst: Ellyn Ackerman; Joe Carrasco Jr.; Elizabeth Raczkowski; Michael Siracuse

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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.