

# Legislative Analysis

---



## UNDERAGE TOBACCO SALES: INCREASE PENALTIES

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

**House Bill 4444 (Substitute H-1)**  
**Sponsor: Rep. Dudley Spade**  
**Committee: Commerce**

**Complete to 5-12-08**

### A SUMMARY OF HOUSE BILL 4444 AS REPORTED FROM COMMITTEE

The bill would amend the Youth Tobacco Act (MCL 722.641) to increase penalties for selling or furnishing tobacco to a minor. It establishes separate, higher penalties for sales at a distance.

However, under the substitute, a retailer or clerk, agent, or employee of a retailer could not be convicted of a misdemeanor involving the sale of tobacco to a minor unless the minor was also charged with a misdemeanor in connection with transaction. (This would not apply to undercover operations.)

The current misdemeanor fine is \$50 per violation. The bill would increase the fines to:

- \$100 for a first violation; \$250 for a second violation within three years; and \$500 for a third or subsequent violation, if the violation occurred within three years of the previous violation.
- If the violation is an Internet, mail order, or telephone sale of a tobacco product to a person under 18: \$500 for a first violation, \$1,000 for a second violation within three years; and \$2,000 for a third or subsequent violation, if the violation occurred within three years of the previous violation.

### FISCAL IMPACT:

To the extent that the bill increased collections of penal fine revenues, it could benefit local libraries, which are the constitutionally-designated recipients of such revenues.

### POSITIONS:

The following indicated support for the bill to the House Commerce Committee on 5-13-08: The Michigan Grocers Association; the Associated Food and Petroleum Dealers; and Spartan Stores.

Legislative Analyst: Chris Couch  
Fiscal Analyst: Marilyn Peterson

---

■ 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.