

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 667

A bill to amend 1915 PA 31, entitled
"Youth tobacco act,"
by amending section 2 (MCL 722.642), as amended by 2006 PA 236.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) Subject to subsection (3), a minor shall not do
2 any of the following:

3 (a) Purchase or attempt to purchase a tobacco product, **VAPOR**
4 **PRODUCT, OR ALTERNATIVE NICOTINE PRODUCT.**

5 (b) Possess or attempt to possess a tobacco product, **VAPOR**
6 **PRODUCT, OR ALTERNATIVE NICOTINE PRODUCT.**

7 (c) Use a tobacco product, **VAPOR PRODUCT, OR ALTERNATIVE**
8 **NICOTINE PRODUCT** in a public place.

9 (d) Present or offer to an individual a purported proof of age
10 that is false, fraudulent, or not actually his or her own proof of

1 age for the purpose of purchasing, attempting to purchase,
2 possessing, or attempting to possess a tobacco product, **VAPOR**
3 **PRODUCT, OR ALTERNATIVE NICOTINE PRODUCT.**

4 (2) An individual who violates subsection (1) is guilty of a
5 misdemeanor punishable by a fine of not more than \$50.00 for each
6 violation. Pursuant to a probation order, the court may also
7 require an individual who violates subsection (1) to participate in
8 a health promotion and risk reduction assessment program, if
9 available. An individual who is ordered to participate in a health
10 promotion and risk reduction assessment program under this
11 subsection is responsible for the costs of participating in the
12 program. In addition, an individual who violates subsection (1) is
13 subject to the following:

14 (a) For the first violation, the court may order the
15 individual to do 1 of the following:

16 (i) Perform not more than 16 hours of community service in a
17 hospice, nursing home, or long-term care facility.

18 (ii) Participate in a health promotion and risk reduction
19 program, as described in this subsection.

20 (b) For a second violation, in addition to participation in a
21 health promotion and risk reduction program, the court may order
22 the individual to perform not more than 32 hours of community
23 service in a hospice, nursing home, or long-term care facility.

24 (c) For a third or subsequent violation, in addition to
25 participation in a health promotion and risk reduction program, the
26 court may order the individual to perform not more than 48 hours of
27 community service in a hospice, nursing home, or long-term care

1 facility.

2 (3) Subsection (1) does not apply to a minor participating in
3 any of the following:

4 (a) An undercover operation in which the minor purchases or
5 receives a tobacco product, **VAPOR PRODUCT, OR ALTERNATIVE NICOTINE**
6 **PRODUCT** under the direction of the minor's employer and with the
7 prior approval of the local prosecutor's office as part of an
8 employer-sponsored internal enforcement action.

9 (b) An undercover operation in which the minor purchases or
10 receives a tobacco product, **VAPOR PRODUCT, OR ALTERNATIVE NICOTINE**
11 **PRODUCT** under the direction of the state police or a local police
12 agency as part of an enforcement action, unless the initial or
13 contemporaneous purchase or receipt of the tobacco product, **VAPOR**
14 **PRODUCT, OR ALTERNATIVE NICOTINE PRODUCT** by the minor was not under
15 the direction of the state police or the local police agency and
16 was not part of the undercover operation.

17 (c) Compliance checks in which the minor attempts to purchase
18 tobacco products for the purpose of satisfying federal substance
19 abuse block grant youth tobacco access requirements, if the
20 compliance checks are conducted under the direction of a substance
21 abuse coordinating agency ~~as defined in section 6103 of the public~~
22 ~~health code, 1978 PA 368, MCL 333.6103,~~ and with the prior approval
23 of the state police or a local police agency.

24 (4) Subsection (1) does not apply to the handling or
25 transportation of a tobacco product, **VAPOR PRODUCT, OR ALTERNATIVE**
26 **NICOTINE PRODUCT** by a minor under the terms of ~~that~~ **THE** minor's
27 employment.

1 (5) This section does not prohibit ~~the~~**AN** individual from
2 being charged with, convicted of, or sentenced for any other
3 violation of law ~~arising~~**THAT ARISES** out of the violation of
4 subsection (1).

5 Enacting section 1. This amendatory act takes effect 60 days
6 after the date it is enacted into law.

7 Enacting section 2. This amendatory act does not take effect
8 unless all of the following of the 97th Legislature are enacted
9 into law:

10 (a) Senate Bill No. 668.

11 (b) House Bill No. 4997.