



Senate Fiscal Agency  
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## BILL ANALYSIS



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Senate Bill 37 (as reported without amendment)  
Sponsor: Senator Rick Jones  
Committee: Regulatory Reform

**CONTENT**

The bill would amend the Youth Tobacco Act to do the following:

- Prohibit a person from selling or giving a vapor product or alternative nicotine product to a minor.
- Require signs posted by retailers to indicate that the purchase of vapor or alternative nicotine products by minors was illegal.
- Require a person to verify that an individual was at least 18 before selling or furnishing a vapor product or alternative nicotine product to him or her.
- Extend the affirmative defense of having and enforcing a preventative written policy to a charge of selling a vapor or alternative nicotine product to a minor.
- Prohibit a minor from possessing or using a vapor product or alternative nicotine product.

The bill specifies that "tobacco product" would not include a vapor product, an alternative nicotine product, or a product regulated as a drug or device by the U.S. Food and Drug Administration (FDA).

The bill would define "alternative nicotine product" as "a noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means". The term would not include a tobacco product, a vapor product, or a product regulated as a drug or device by the FDA.

The bill would define "vapor product" as "a noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form". The term would include an electronic cigarette, electronic cigar, electronic pipe, or similar product or device and a vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in such a product or device. It would not include a product regulated as a drug or device by the FDA.

MCL 722.641 et al.

Legislative Analyst: Drew Krogulecki

**FISCAL IMPACT**

The bill would have no fiscal impact on the State and could have a small negative fiscal impact on local government. A violation of the bill would be a misdemeanor subject to a \$50 maximum fine. Any increase in misdemeanor arrests and convictions could increase resource demands on law enforcement, court systems, and community supervision. Any associated increase in fine revenue would increase funding to public libraries.

Date Completed: 5-11-17

Fiscal Analyst: Ryan Bergan

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Bill Analysis @ [www.senate.michigan.gov/sfa](http://www.senate.michigan.gov/sfa)

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