



1 products, or alternative nicotine products; to prescribe penalties  
2 and provide sanctions; to promulgate rules; and to prescribe the  
3 powers and duties of certain state agencies and departments.

4 Sec. 2d. (1) Beginning October 1, 2020, a person shall not  
5 sell a tobacco product, vapor product, or alternative nicotine  
6 product at retail unless that person is licensed under this  
7 section.

8 (2) An application for a license must be in a form prescribed  
9 by the department and signed under penalty of perjury. A person  
10 shall obtain a separate license for each location where a tobacco  
11 product, vapor product, or alternative nicotine product is sold. A  
12 person who sells a tobacco product, vapor product, or alternative  
13 nicotine product at more than 1 location may submit a single  
14 application to the department that lists each location where a  
15 vapor product is sold.

16 (3) The department shall grant a license to a person who  
17 submits a completed application and pays a licensing fee of not  
18 more than \$100.00 per location to the department.

19 (4) The department shall issue a certificate of licensure to a  
20 person who is granted a license under this act.

21 (5) A person shall display the certificate of licensure, or a  
22 duplicate copy of the certificate of licensure, prominently and  
23 where visible to the public in the person's place of business where  
24 a tobacco product, vapor product, or alternative nicotine product  
25 is sold.

26 (6) Each license is valid for 1 year and must be renewed  
27 annually before December 31 of the year that the license expires.  
28 The cost of renewing the license must not exceed \$75.00.

29 (7) The department may deny, suspend, revoke, or refuse to



1 renew a license for good cause. For purposes of this subsection,  
2 "good cause" consists of instances in which the department  
3 determines that a person has done any of the following:

4 (a) Submitted a false or fraudulent application for a license.

5 (b) Provided a false statement in the application for a  
6 license.

7 (c) Possessed a false or fraudulent certificate of licensure.

8 (d) Displayed a false or fraudulent certificate of licensure  
9 in a place of business where a tobacco product, vapor product, or  
10 alternative nicotine product is sold.

11 (8) The department shall not deny, suspend, revoke, or refuse  
12 to renew a person's license under this section unless the person is  
13 given an opportunity for a hearing. A hearing and an appeal must be  
14 conducted under the administrative procedures act of 1969, 1969 PA  
15 306, MCL 24.201 to 24.328.

16 (9) The department may promulgate rules under the  
17 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to  
18 24.328, to implement this section.

19 (10) In addition to any other remedies provided by law, if the  
20 department determines that a person violated this section, the  
21 department may assess an administrative fine of not more than  
22 \$500.00.

23 (11) The department shall use the fees and fines collected  
24 under this section for the administration and enforcement of this  
25 act.

26 (12) As used in this section:

27 (a) "Certificate of licensure" means a document issued by the  
28 department as evidence of authorization to sell a tobacco product,  
29 vapor product, or alternative nicotine product.



1 (b) "Department" means the department of treasury.

2 (c) "License" means an authorization issued by the department  
3 under this section to sell a vapor product.

4 Sec. 4. As used in this act:

5 (a) "Alternative nicotine product" means a noncombustible  
6 product containing nicotine that is intended for human consumption,  
7 whether chewed, absorbed, dissolved, or ingested by any other  
8 means. Alternative nicotine product does not include a tobacco  
9 product, a vapor product, food, or a product regulated as a drug or  
10 device by the United States Food and Drug Administration under 21  
11 USC 351 to 360fff-7.

12 (b) "Minor" means an individual who is less than ~~18~~21 years  
13 of age.

14 ~~(c) "Person who sells vapor products or alternative nicotine  
15 products at retail" means a person whose ordinary course of  
16 business consists, in whole or in part, of the retail sale of vapor  
17 products or alternative nicotine products.~~

18 ~~(d) "Person who sells tobacco products at retail" means a  
19 person whose ordinary course of business consists, in whole or in  
20 part, of the retail sale of tobacco products subject to state sales  
21 tax.~~

22 (c) "Person who sells tobacco products, vapor products, or  
23 alternative nicotine products at retail" means:

24 (i) Until September 30, 2020, a person whose ordinary course of  
25 business consists, in whole or in part, of the retail sale of a  
26 tobacco product subject to state sales tax under the general sales  
27 tax act, 1933 PA 167, MCL 205.51 to 205.78, a vapor product, or an  
28 alternative nicotine product.

29 (ii) Beginning October 1, 2020, a person whose ordinary course



1 of business consists, in whole or in part, of the retail sale of a  
 2 tobacco product subject to state sales tax under the general sales  
 3 tax act, 1933 PA 167, MCL 205.51 to 205.78, a vapor product, or an  
 4 alternative nicotine product, and who is licensed under section 2d.

5 (d) ~~(e)~~—"Public place" means a public street, sidewalk, or  
 6 park or any area open to the general public in a publicly owned or  
 7 operated building or public place of business.

8 (e) ~~(f)~~—"Tobacco product" means a product that contains  
 9 tobacco and is intended for human consumption, including, but not  
 10 limited to, a cigarette, noncigarette smoking tobacco, or smokeless  
 11 tobacco, as those terms are defined in section 2 of the tobacco  
 12 products tax act, 1993 PA 327, MCL 205.422, and a cigar.

13 (f) ~~(g)~~—"Use a tobacco product, vapor product, or alternative  
 14 nicotine product" means to smoke, chew, suck, inhale, or otherwise  
 15 consume a tobacco product, vapor product, or alternative nicotine  
 16 product.

17 (g) ~~(h)~~—"Vapor product" means a noncombustible product that  
 18 employs a heating element, power source, electronic circuit, or  
 19 other electronic, chemical, or mechanical means, regardless of  
 20 shape or size, that can be used to produce vapor from nicotine or  
 21 any other substance, **other than marihuana**, and the use or  
 22 inhalation of which simulates smoking. Vapor product includes an  
 23 electronic cigarette, electronic cigar, electronic cigarillo,  
 24 electronic pipe, or similar product or device and a vapor cartridge  
 25 or other container of nicotine or other substance, **other than**  
 26 **marihuana**, in a solution or other form that is intended to be used  
 27 with or in an electronic cigarette, electronic cigar, electronic  
 28 cigarillo, electronic pipe, or similar product or device. Vapor  
 29 product does not include a product regulated as a drug or device by



1 the United States Food and Drug Administration under 21 USC 351 to  
2 360fff-7. **As used in this subdivision, "marihuana" means that term**  
3 **as defined in section 7106 of the public health code, 1978 PA 368,**  
4 **MCL 333.7106. For purposes of this definition, "marihuana" and**  
5 **"marijuana" are synonymous.**

6 Enacting section 1. This amendatory act does not take effect  
7 unless all of the following bills of the 100th Legislature are  
8 enacted into law:

- 9 (a) Senate Bill No. 781.  
10 (b) Senate Bill No. 783.  
11 (c) Senate Bill No. 784.

