

SENATE BILL No. 267

April 4, 1989, Introduced by Senator FAXON and referred to the Committee on Health Policy.

A bill to amend Act No. 328 of the Public Acts of 1931, entitled
"The Michigan penal code,"
as amended, being sections 750.1 to 750.568 of the Michigan Compiled Laws, by adding section 472.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 328 of the Public Acts of 1931, as
2 amended, being sections 750.1 to 750.568 of the Michigan Compiled
3 Laws, is amended by adding section 472 to read as follows:

4 SEC. 472. (1) A PERSON, WHILE IN A PUBLIC PLACE, SHALL NOT
5 DELIVER A TOBACCO PRODUCT TO ANOTHER PERSON UNLESS THE DELIVERY
6 IS A SALE IN EXCHANGE FOR MONEY OR OTHER VALUABLE CONSIDERATION.

7 (2) THIS SECTION DOES NOT APPLY TO A SITUATION IN WHICH A
8 PERSON PURCHASES A TOBACCO PRODUCT AT A RETAIL ESTABLISHMENT AND

1 DELIVERS THE TOBACCO PRODUCT AS A GIFT TO ANOTHER PERSON KNOWN TO
2 HIM OR HER, WHILE IN A PUBLIC PLACE.

3 (3) THIS SECTION DOES NOT PERMIT THE SALE OR DELIVERY OF
4 TOBACCO PRODUCTS IN VIOLATION OF ANY OTHER LAW OF THIS STATE.

5 (4) A PERSON WHO VIOLATES SUBSECTION (1) IS GUILTY OF A
6 MISDEMEANOR.

7 (5) AS USED IN THIS SECTION:

8 (A) "DELIVER" MEANS THE ACTUAL OR ATTEMPTED TRANSFER OF
9 TOBACCO PRODUCTS FROM 1 PERSON TO ANOTHER PERSON.

10 (B) "OTHER VALUABLE CONSIDERATION" DOES NOT INCLUDE BUSINESS
11 GOODWILL, COMMERCIAL PUBLICITY, OR OTHER INTANGIBLE COMMERCIAL
12 BENEFIT RESULTING FROM THE GRATUITOUS DISTRIBUTION OF TOBACCO
13 PRODUCTS.

14 (C) "PUBLIC PLACE" MEANS A PUBLIC HIGHWAY, BRIDGE, TUNNEL,
15 STREET, AVENUE, ALLEY, SIDEWALK, PUBLIC GROUND, OR AN ENCLOSED,
16 INDOOR AREA USED BY THE GENERAL PUBLIC.

17 (D) "TOBACCO PRODUCT" MEANS TOBACCO PREPARED FOR USE IN
18 SMOKING, CHEWING, OR AS SNUFF.