

Act No. 271
Public Acts of 1992
Approved by the Governor
December 16, 1992
Filed with the Secretary of State
December 16, 1992

**STATE OF MICHIGAN
86TH LEGISLATURE
REGULAR SESSION OF 1992**

Introduced by Reps. Brown, Bandstra, Barns, Bobier, DeMars, Gire, Perry Bullard, Jaye, Jondahl, Pitoniak, Fitzgerald, Dolan and Emerson

ENROLLED HOUSE BILL No. 5017

AN ACT to amend Act No. 328 of the Public Acts of 1931, entitled as amended "An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," as amended, being sections 750.1 to 750.568 of the Michigan Compiled Laws, by adding section 470.

The People of the State of Michigan enact:

Section 1. Act No. 328 of the Public Acts of 1931, as amended, being sections 750.1 to 750.568 of the Michigan Compiled Laws, is amended by adding section 470 to read as follows:

Sec. 470. (1) Except as provided in subsection (2), a person, in a place of public accommodation to which access by minors is not prohibited by law, shall not sell or distribute cigarettes, cigars, or other tobacco products through the use of a vending machine, or install or maintain a vending machine with the intent of selling or distributing cigarettes, cigars, or other tobacco products. For purposes of this section, "place of public accommodation" has the same meaning as that term has in section 301(a) of the Michigan handicappers' civil rights act, Act No. 220 of the Public Acts of 1976, being section 37.1301 of the Michigan Compiled Laws.

(2) This section does not apply to a cigarette vending machine that meets either of the following criteria:

(a) The cigarette vending machine is located in an establishment that has a class C license as defined in section 2t of the Michigan liquor control act, Act No. 8 of the Public Acts of the Extra Session of 1933, being section 436.2t of the Michigan Compiled Laws, and 1 of the following applies:

(i) If the establishment has a bar that is located in a room that is separated from the remainder of the establishment by a wall and a doorway, the cigarette vending machine is located entirely in that room.

(ii) If the establishment has a bar that is not located in a room that is separated from the remainder of the establishment by a wall and a doorway, the cigarette vending machine is located not more than 20 feet from the bar, is located clearly within the bar area and not in a hallway, coat room, rest room, or similar unrelated area, and is under the direct visual supervision of an adult.

(b) The cigarette vending machine is located entirely in an area, office, plant, factory, or private membership club that is not open to the public, and is located not less than 20 feet from all entrances and exits that are accessible to the general public.

(3) A person who violates this section is guilty of a misdemeanor, punishable by imprisonment for not more than 6 months, service to the community for a period of not more than 45 days, or a fine of not more than \$1,000.00, or any combination of imprisonment, community service, or fine. Each day that a person has a vending machine that dispenses cigarettes, cigars, or other tobacco products constitutes a separate offense.

(4) The provisions of this section shall be enforceable by a local health department to the same extent and by the same means as regulations adopted by that local health department.

Section 2. This amendatory act shall take effect June 1, 1993 or 6 months after the date of its enactment, whichever is later.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved

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Governor.