

HOUSE BILL No. 4981

June 20, 1991, Introduced by Reps. Bennett, Kosteva, Gubow, DeMars, Perry Bullard and Pitoniak and referred to the Committee on Judiciary.

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) EXCEPT AS OTHERWISE PROVIDED IN
5 SUBSECTION (3), A PERSON SHALL NOT DELIVER A TOBACCO PRODUCT TO
6 ANOTHER PERSON IN A PUBLIC PLACE, UNLESS THE DELIVERY IS A SALE
7 IN EXCHANGE FOR MONEY AT THE FAIR MARKET VALUE OF THE TOBACCO
8 PRODUCT.

1 (2) A PERSON SHALL NOT, EITHER DIRECTLY OR INDIRECTLY,
2 RECRUIT, SOLICIT, INDUCE, OR OTHERWISE ENCOURAGE ANOTHER PERSON
3 TO VIOLATE OR ATTEMPT TO VIOLATE SUBSECTION (1).

4 (3) THIS SECTION DOES NOT APPLY TO A SITUATION IN WHICH A
5 PERSON PURCHASES A TOBACCO PRODUCT AT A RETAIL ESTABLISHMENT AND
6 DELIVERS THE TOBACCO PRODUCT AS A GIFT TO ANOTHER PERSON KNOWN TO
7 HIM OR HER.

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

10 (5) A PERSON WHO VIOLATES SUBSECTION (1) IS GUILTY OF A MIS-
11 DEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 3 DAYS OR A
12 FINE OF NOT MORE THAN \$100.00, OR BOTH.

13 (6) A PERSON WHO VIOLATES SUBSECTION (2) IS GUILTY OF A
14 FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A
15 FINE OF NOT MORE THAN \$1,000.00, OR BOTH.

16 (7) AS USED IN THIS SECTION:

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

19 (B) "PUBLIC PLACE" MEANS A PUBLIC HIGHWAY, BRIDGE, ROAD,
20 TUNNEL, STREET, AVENUE, ALLEY, SIDEWALK, PUBLIC GROUND, OR AN
21 ENCLOSED INDOOR AREA USED BY THE GENERAL PUBLIC.

22 (C) "TOBACCO PRODUCT" MEANS TOBACCO PREPARED FOR USE IN
23 SMOKING, CHEWING, OR AS SNUFF.