

SENATE BILL No. 178

March 14, 1991, Introduced by Senators FAXON, GEAKE, ARTHURHULTZ, CARL, HONIGMAN, CONROY, POLLACK and HART and referred to the Committee on Health Policy.

A bill to amend the title of Act No. 31 of the Public Acts
of 1915, entitled as amended

"Youth tobacco act,"

as amended, being sections 722.641 to 722.645 of the Michigan
Compiled Laws; and to add section 2a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title of Act No. 31 of the Public Acts of
2 1915, as amended, being sections 722.641 to 722.645 of the
3 Michigan Compiled Laws, is amended and section 2a is added to
4 read as follows:

5	TITLE
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6 An act to prohibit the selling, giving, or furnishing of
7 tobacco products to minors; to prohibit the use of tobacco
8 products by minors; to prohibit the harboring of minors for the
9 purpose of indulging in the use of tobacco products; TO REGULATE

1 THE LOCATION OF CIGARETTE VENDING MACHINES; to prescribe
2 penalties; and to prescribe the powers and duties of certain
3 state agencies and departments.

4 SEC. 2A. (1) THE OWNER OR OPERATOR OF A PLACE OF BUSINESS
5 IN WHICH A CIGARETTE VENDING MACHINE IS LOCATED SHALL LOCATE THE
6 CIGARETTE VENDING MACHINE ONLY PURSUANT TO THIS SECTION.

7 (2) SUBJECT TO SUBSECTION (3), IF A PLACE OF BUSINESS IS NOT
8 OPEN TO THE GENERAL PUBLIC OR IF INDIVIDUALS UNDER THE AGE OF 18
9 YEARS ARE NOT GENERALLY PERMITTED ACCESS TO THE PLACE OF BUSI-
10 NESS, A PERSON DESCRIBED IN SUBSECTION (1) MAY LOCATE A CIGARETTE
11 VENDING MACHINE ANYWHERE WITHIN THE PLACE OF BUSINESS.

12 (3) IF A PLACE OF BUSINESS IS A BUILDING, STRUCTURE, ROOM,
13 OR ENCLOSURE IN WHICH ALCOHOLIC LIQUOR MAY BE SOLD FOR CONSUMP-
14 TION ON OR OFF THE PREMISES PURSUANT TO A LICENSE ISSUED BY THE
15 MICHIGAN LIQUOR CONTROL COMMISSION, A PERSON DESCRIBED IN SUBSEC-
16 TION (1) SHALL COMPLY WITH ALL OF THE FOLLOWING:

17 (A) THE PERSON SHALL PLACE THE CIGARETTE VENDING MACHINE
18 WITHIN THE IMMEDIATE VICINITY, PLAIN VIEW, AND CONTROL OF 1 OR
19 MORE EMPLOYEES DESIGNATED BY THE PERSON SO THAT ALL PURCHASES OF
20 CIGARETTES FROM THE CIGARETTE VENDING MACHINE WILL BE READILY
21 OBSERVABLE BY A DESIGNATED EMPLOYEE.

22 (B) THE PERSON SHALL LOCATE THE CIGARETTE VENDING MACHINE SO
23 THAT IT IS INACCESSIBLE TO THE PUBLIC WHEN THE PLACE OF BUSINESS
24 IS CLOSED.

25 (4) IN A PLACE OF BUSINESS OTHER THAN A PLACE OF BUSINESS
26 DESCRIBED IN SUBSECTION (2) OR (3), A PERSON DESCRIBED IN
27 SUBSECTION (1) SHALL COMPLY WITH ALL OF THE FOLLOWING:

1 (A) THE REQUIREMENTS OF SUBSECTION (3)(A) AND (B).

2 (B) THE PERSON SHALL MODIFY THE CIGARETTE VENDING MACHINE SO
3 THAT IT OPERATES ONLY BY THE ACTIVATION OF AN ELECTRONIC SWITCH
4 THAT IS OPERATED BY AN AUTHORIZED EMPLOYEE BEFORE EACH SALE OR
5 ONLY BY THE INSERTION OF TOKENS PROVIDED BY AN AUTHORIZED
6 EMPLOYEE BEFORE EACH SALE.

7 (5) AN EMPLOYEE DESIGNATED UNDER SUBSECTION (3)(A) TO
8 OBSERVE PURCHASES FROM A CIGARETTE VENDING MACHINE SHALL NOT
9 ALLOW A MINOR TO PURCHASE CIGARETTES FROM THE VENDING MACHINE
10 DURING THE EMPLOYEE'S WORK SHIFT. AN EMPLOYEE AUTHORIZED UNDER
11 SUBSECTION (4)(B) TO ELECTRONICALLY ACTIVATE OR PROVIDE TOKENS
12 FOR A CIGARETTE VENDING MACHINE SHALL NOT ACTIVATE A CIGARETTE
13 VENDING MACHINE FOR A MINOR OR PROVIDE TO A MINOR TOKENS FOR THE
14 OPERATION OF A CIGARETTE VENDING MACHINE.

15 (6) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A CIVIL
16 FINE OF NOT MORE THAN \$100.00. IN ADDITION, IF THE VIOLATION OF
17 THIS SECTION RESULTS IN A VIOLATION OF SECTION 1, THE COURT
18 IMPOSING THE FINE SHALL ORDER THE OWNER OR OPERATOR OF THE PLACE
19 OF BUSINESS TO REFRAIN FROM LOCATING A CIGARETTE VENDING MACHINE
20 IN THE PLACE OF BUSINESS FOR NOT LESS THAN 1 YEAR.