

HOUSE BILL No. 4778

May 13, 1997, Introduced by Reps. Fitzgerald and LaForge and referred to the Committee on Health Policy.

A bill to require manufacturers to report the ingredients and nicotine content of tobacco products; to prescribe the powers and duties of certain state agencies and officials; and to provide for penalties.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "tobacco products reporting act".

3 Sec. 2. As used in this act:

4 (a) "Chewing tobacco" means loose tobacco or a flat, com-
5 pressed cake of tobacco that is inserted into the mouth to be
6 chewed or sucked.

7 (b) "Cigarette" and "cigar" mean a roll for smoking made
8 wholly or in part of tobacco, irrespective of size or shape and
9 irrespective of the tobacco being flavored, adulterated, or mixed

1 with any other ingredient, which roll has a wrapper or cover made
2 of paper, tobacco, or any other material.

3 (c) "Department" means the department of community health.

4 (d) "Manufacturer" means a person who manufactures or
5 produces a tobacco product.

6 (e) "Noncigarette smoking tobacco" means tobacco sold in
7 loose or bulk form that is intended for consumption by smoking.

8 (f) "Smokeless tobacco" means snuff, chewing tobacco, and
9 any other tobacco that is intended to be consumed by means other
10 than smoking.

11 (g) "Snuff" means shredded, powdered, or pulverized tobacco
12 that may be inhaled through the nostrils, chewed, or placed
13 against the gums.

14 (h) "Tobacco product" means cigarettes, cigars, noncigarette
15 smoking tobacco, or smokeless tobacco.

16 Sec. 3. A manufacturer shall not sell a tobacco product in
17 this state unless the manufacturer has complied with this act.

18 Sec. 4. (1) Not later than February 1, 1998, a manufacturer
19 of tobacco products sold in this state shall file with the
20 department, on a form provided by the department, a report for
21 each brand of tobacco product providing all of the following
22 information:

23 (a) Any ingredient of the tobacco product, other than tobac-
24 co, water, or reconstituted tobacco sheet made wholly from
25 tobacco. The ingredients shall be listed in descending order
26 according to weight, measure, or numerical count. However, the

1 manufacturer does not have to list the specific weight, measure,
2 or numerical count of the ingredients.

3 (b) Nicotine yield ratings of the tobacco product. Nicotine
4 yield ratings shall be established by the department and shall
5 accurately predict nicotine intake for average consumers.

6 (2) After January 1, 1998, if a manufacturer introduces a
7 new tobacco product or changes the ingredients or nicotine yield
8 of an existing tobacco product, not later than 60 days from the
9 introduction or change, the manufacturer shall file with the
10 department a report as required by subsection (1) for the new or
11 changed tobacco product.

12 (3) This act does not require a manufacturer to identify or
13 disclose the specific amount of any ingredient identified by the
14 United States department of health and human services, food and
15 drug administration, as generally recognized as safe when burned
16 and inhaled.

17 Sec. 5. (1) The report filed under section 4 is a public
18 record subject to the freedom of information act, 1976 PA 442,
19 MCL 15.231 to 15.246.

20 (2) The department shall file with the legislature an annual
21 report listing all filings and providing the information required
22 by this act.

23 Sec. 6. A manufacturer that violates section 3 or 4 or
24 knowingly provides false information under section 4 is responsi-
25 ble for a state civil infraction and may be ordered to pay a
26 civil fine of not more than \$1,000.00 for each day the
27 manufacturer is in violation.

1 Enacting section 1. This act takes effect January 1, 1998.