



**Senate Fiscal Agency**  
P. O. Box 30036  
Lansing, Michigan 48909-7536

BILL



ANALYSIS

**Telephone: (517) 373-5383**  
**Fax: (517) 373-1986**

Senate Bill 311 (as reported by the Committee of the Whole)  
Sponsor: Senator Steven Bieda  
Committee: Judiciary

### **CONTENT**

The bill would amend the Youth Tobacco Act to increase the penalties for selling, giving, or furnishing a tobacco product to a minor and for a minor's purchase, possession, or use of a tobacco product.

The Act prohibits a person from selling, giving, or furnishing a tobacco product to a minor (a person under 18 years of age). The Act also prohibits a minor from doing any of the following:

- Purchasing or attempting to purchase a tobacco product.
- Possessing or attempting to possess a tobacco product.
- Using a tobacco product in a public place.
- Presenting or offering to a person a purported proof of age that is false, fraudulent, or not actually his or her own proof of age, for the purpose of buying, possessing, or attempting to buy or possess a tobacco product.

The violations described above are misdemeanors punishable by a fine of not more than \$50 for each violation. Under the bill, the misdemeanors would be punishable by a maximum fine of \$100 for a first violation and up to \$500 for a second or subsequent violation.

(The Act defines "tobacco product" as a product that contains tobacco and is intended for human consumption, including cigarettes, noncigarette smoking tobacco, smokeless tobacco, and cigars.)

The bill would take effect 90 days after its enactment.

MCL 722.641 & 722.642

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

The bill would have an indeterminate, likely minor and positive, fiscal impact on State and local government. The fine increase from \$50 to \$100, and the creation of a subsequent offense fine of \$500, would likely increase fine revenue. This increased fine revenue could be partially offset by behavior deterrence due to the increased penalties. Any additional fine revenue would benefit public libraries, the constitutionally designated beneficiaries of penal fine revenue.

Date Completed: 9-23-13

Fiscal Analyst: Dan O'Connor