



Senate Fiscal Agency
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Senate Bill 231 (as reported without amendment)
Sponsor: Senator Rick Jones
Committee: Regulatory Reform

CONTENT

The bill would amend the Youth Tobacco Act to do the following:

- Prohibit a person from selling, giving, or furnishing a vapor product or alternative nicotine product to a minor, including through a vending machine or other means.
- Include that offense in a provision making it a misdemeanor, punishable by a \$50 fine per violation, to sell, give, or furnish a tobacco product to a minor.
- Include activities involving vapor products or alternative nicotine products in provisions that make it a misdemeanor for a minor to purchase or possess a tobacco product, use a tobacco product in a public place, or use false proof of age to purchase or possess a tobacco product, or attempt to do so.
- Include a person who sells vapor products or alternative nicotine products at retail in provisions that require a person who sells tobacco products at retail to post a conspicuous sign about the illegality of the purchase of tobacco by a minor.

The bill would define "alternative nicotine product" as "a noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means". The term would not include a tobacco product, a vapor product, or a product regulated as a drug or device by the U.S. Food and Drug Administration (FDA).

"Vapor product" would mean "a noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form". The term would include an electronic cigarette, electronic cigar, electronic pipe, or similar product or device and a vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with such a product or device. It would not include a product regulated as a drug or device by the FDA.

MCL 722.641 et al.

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill could result in a marginal increase in misdemeanors associated with violations of the Act. These misdemeanors are punishable by a fine of up to \$50, the revenue from which benefits public libraries. For youths violating the Act, additional punishments may include community service and participation in health risk reduction programming. The bill would not have a significant impact on State and local criminal justice costs.

Date Completed: 5-14-15

Fiscal Analyst: John Maxwell